FAiR
Finding Agreement in Return



POST-RETURN REALITIES AND HUMAN RIGHTS MONITORING

Report

This version of the report (September 2026) has undergone several stages of peer-review (internal and external to the project) but has not been formally approved by the European Commission, and might be subjected to further revision

PROJECT OVERVIEW

Project Title	Finding Agreement in Return
Project Acronym	FAiR
Grant Agreement Number	101094828
Start Date of the Project	01.05.2023
Duration of the Project	42 months
Project Coordinator	Arjen Leekers
Title of Deliverable	Post-Return Realities and Human Rights Monitoring
Deliverable Number	D7.2
Dissemination Level	PU
Type of Document	Report
Work Package	7
Version	3.0 September 2026
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STRUCTURE OF THE REPORT

CONTENTS

The report begins by presenting **a set of key recommendations** outlining concrete measures for European Union (EU) institutions, Member States, and other relevant stakeholders to support the development of post-return human rights monitoring frameworks and enhance existing monitoring practices.

The remainder of the report is structured into **three main sections**:

Section 1 starts by introducing the background and policy context of the report (*1.1*) and presents the methodology (*1.2)*. It then assesses the importance and potential impact of post-return monitoring (*1.3*), as well as key challenges posed by the absence of legal requirements, political will and practical obstacles for post-return human rights monitoring (*1.4*).

Section 2 provides the analytical foundation of the report by defining key principles, elements and objectives of post-return human rights monitoring (*2.1*), identifying also specific human rights risks and violations to be monitored during the post-return phase, and explicitly linking them to EU procedures initiated prior to return (*2.2*). It then concludes by examining the structural limitations of monitoring within EU return systems and identifies gaps in existing reintegration monitoring tools (which are a part of assisted voluntary return programs) *(2.3)*. By clearly distinguishing reintegration monitoring from post-return human rights monitoring, this discussion highlights that current monitoring and evaluation tools can serve as complementary mechanisms for assessing the human rights conditions of returnees, but are insufficient to demonstrate effectiveness in addressing human rights violations (*2.4*).

Section 3 conducts a review of relevant EU policy approaches and practices, outlining existing efforts, institutional positions, challenges, and ongoing debates surrounding the establishment of post-return human rights monitoring for returns from the EU (*3.1*); and explores the legal and institutional conditions required to set up a formal post-return monitoring framework, as well as concerned actors (*3.2*). Finally, it addresses how post-return monitoring could be operationalised, identifies existing tools that could be further developed for this purpose, and outlines concrete suggestions for introducing such mechanisms, their impact, and the powers required (*3.3*).

The report is complemented by three annexes presenting country-specific analyses of Georgia (Annex I), Iraq (Annex II), and Nigeria (Annex III). Drawing on qualitative fieldwork findings, legal analysis, and practice-based insights, these annexes examine return conditions, relevant human rights frameworks, and the opportunities and limitations associated with establishing post-return human rights monitoring mechanisms. Each annex concludes with recommendations tailored to the specific legal, institutional, and operational context of the country concerned. These case studies and country-based recommendations serve as a starting point for developing broader EU-coordinated country-based mechanisms.

KEY RECOMMENDATIONS

Finally, the overall report concludes with a list of references cited throughout the study and an anonymised overview of the stakeholders interviewed in Georgia, Iraq, and Nigeria, as well as two expert interviews conducted with EU-level actors, indicating their general affiliations and assigned interview codes.

The report is intentionally detailed, reflecting the current lack of similar comprehensive work in the field and the importance of systematically bringing together extensive fieldwork findings representative of the selected countries of return, EU relevant actors and approaches, and current and possible pathways for implementation.

Disclosure: Artificial intelligence (AI) tools were used to assist with the *visual development* of the cover image and selected tables and figures. All AI-assisted outputs were inputted, reviewed and refined by the authors, with relevant sources quoted or referenced (where appropriate) to ensure the traceability of the original text and content.

Despite our clear assessment of the importance of establishing post-return monitoring, our analysis indicates a lack of political will to implement effective mechanisms. Such tools may be perceived as inconvenient for all parties involved, as they reveal problems and violations at every level. At the EU level, monitoring-findings may challenge expedited policies for the large-scale return of people, regardless of their willingness, adequate preparation, or the harm individuals may face upon return. At the level of countries of return, they can expose several, often systemic, problems that may impede citizens' rights (e.g., inadequate health systems, systemic discrimination against minority groups). In other words, post-return monitoring provides critical scrutiny of all the authorities responsible for protecting individuals. That's why such monitoring is so important, and why several international human rights institutions have called for establishing post-return human rights monitoring mechanisms.

The idea of post-return monitoring is not to place additional blame, burden or scrutiny on countries of return, thereby repeating colonial and externalisation practices and shifting responsibilities. On the contrary, we argue that returning countries, the EU and its Member States, as well as Frontex, in particular, should bear much greater responsibility for the people they return and for their subsequent experiences, including their safety in the country of return. Such responsibility should be even stronger in cases involving returns of vulnerable individuals and returns to unstable countries, as well as in verifying non-refoulement for rejected asylum seekers. Full accountability in return processes can be achieved only when post-return monitoring is in place.

Establishing post-return human rights monitoring requires multiagency and international cooperation at all stages. Post-return human rights monitoring provides essential data to initiate such a debate and ongoing information to further refine it. In this regard, **the report identifies key entry points and practical opportunities for developing such mechanisms and sets out a series of targeted recommendations**.

TO EUROPEAN UNION INSTITUTIONS

- ✓ Develop an EU legal framework establishing EU-coordinated post-return monitoring mechanisms to detect and document human rights violations following return, while complementing assessments of reintegration outcomes. This could be achieved by introducing new legislative provisions or adapting existing instruments to explicitly address post-return monitoring, thereby creating a clear legal basis for its implementation. The monitoring framework should involve multiple actors operating across different governance levels in the EU and country of return, as well as independent national monitoring bodies, civil society organisations, national human rights institutions and relevant international organisations, and be conducted on a consent-based

basis. Findings generated through post-return monitoring should systematically inform asylum and return decision-making across EU Member States, including the assessment of country conditions and risks relevant to the principle of non-refoulement before return orders are issued. Such monitoring should complement, not replace, individualised risk assessments, effective remedies, and the suspensive effect of appeals prior to return. Post-return monitoring should not be designed or perceived as a mechanism to track, control, or deter the future mobility or re-emigration trajectories of returned individuals. Rather, its purpose should remain strictly focused on assessing post-return conditions, identifying human rights risks, and ensuring access to protection and remedies where necessary.

- ✓ Link EU-wide Readmission Agreements (EURAs) and Arrangements to independent, rights-based post-return monitoring and transparent review mechanisms by systematically integrating independent human rights assessments into the implementation and periodic evaluation of EU Readmission Agreements and Arrangements, to monitor and assess cooperation in practice by the EU and third countries together. As an initial step, explore the possibility of third countries readmitting returnees from the EU under EU-wide Readmission Agreements and Arrangements, of collecting and sharing statistical aggregated data on major human rights and return outcomes. Data collection, though, should not be used for surveillance, migration control, or to deter future mobility. Parliamentary delegations from international organisations could conduct monitoring in countries that readmit migrants under readmission agreements, provided such visits are independent, include confidential access to returnees and civil society actors, and result in public findings and recommendations. Where credible evidence indicates serious or systemic human rights violations in a country of return, post-return reviews should trigger the suspension of readmissions to that country until proper reassessment and enhanced safeguards are in place. Readmissions should resume only where individualised risk assessments, effective remedies, non-refoulement guarantees, and meaningful post-return support and monitoring can be ensured.
- ✓ The expansion of Frontex's mandate by the end of 2026 provides avenues for extending the legal mandate of the Fundamental Rights Office (FRO) to engage in substantial post-return monitoring activities. The FRO could implement pilot projects to test the feasibility of monitoring methods, leveraging its established cooperation with third countries, without prejudice to the future establishment of self-standing and independent post-return monitoring mechanisms. This could help assess monitoring methods and identify immediate and long-term risks in the country of return. Such activities should primarily serve as a pilot phase to test monitoring methodologies, assess immediate and long-term risks in countries of return, and generate evidence and lessons learned to inform the future establishment of fully independent and dedicated post-return monitoring mechanisms. The Frontex Complaint Mechanism should also remain accessible where fundamental rights violations may materialise only after return. This should include extending the current 12-months admissibility timeframe from the date of the alleged fundamental rights violation occurred, its discovery, or the removal of circumstances preventing its submission, to account for long-term oversight of Frontex-related activities and their human rights impact or responsibilities occurring more broadly in the post-return phase, and to ensure effective remedy and referral for follow up procedures.
- ✓ Going beyond the possibility of reporting violations that occurred during return procedures ex-post, accessible complaint mechanisms specifically covering human rights violations occurring after return should be established or harmonised when available at Member States' level. These mechanisms should be embedded within a dedicated EU post-return monitoring framework set and coordinated by the European Ombudsman, with methodological guidance delivered by the European Union Fundamental Rights Agency (FRA), working in cooperation with EU and third countries' human rights bodies. This should also provide for an expanded mandate for the European Ombudsman, reflecting the EU's role in developing and implementing a common system of return, and ensure that complaints concerning all return operations (not only EU-funded) are subject to EU-level oversight. The complaint mechanism should be designed to be flexible, independent and victim-centred rather than bureaucratic, and should include tools to facilitate complaint filing.

- ✓ Strengthen the role of international and non-governmental organisations, local civil society organisations, and non-EU and EU-based academic researchers in producing post-return evidence by developing and adequately funding long-term projects, and by fostering sustained cooperation with grassroots networks of returnees and local residents, in order to create post-return forums that are informed by, and feed directly into, systematic reporting. Such reports should be presented during public hearings at the European Parliament (EP) – Committee on Civil Liberties, Justice and Home Affairs (LIBE), as well as the Subcommittee on Human Rights (DROI), and should systematically inform the European Commission's evaluation of EU return policies and cooperation with third countries.
- ✓ Human rights bodies in the EU and countries of return should be actively involved in post-return monitoring, and their activities could be integrated into existing EU financial instruments that already support return, reintegration, and migration management. In particular, the Union Support for Asylum, Migration and Integration (USAMI) for the period 2028 – 2034 (replacing the current Asylum, Migration and Integration Fund (AMIF)) should explicitly recognise post-return monitoring as an eligible activity, allowing these bodies to receive financial support to implement, for instance, a dedicated pilot project that could lead to more systematic commitments. Such funding should also be made available to CSOs and NGOs in return countries through USAMI and other EU return and reintegration programmes.

TO EU MEMBER STATES AND NATIONAL ACTORS

- ✓ Strengthen and support the role of national diplomatic representations in countries of return by more systematically integrating human rights considerations into their mandate, and by supporting their cooperation with local independent human rights actors, civil society and international organisations to support post-return monitoring of the treatment of returnees.
- ✓ Support the establishment of thematic multi-stakeholder working groups in countries of return, dedicated specifically to post-return human rights monitoring, to facilitate coordination, methodological development and structured cooperation among relevant national authorities, independent human rights bodies and civil society actors. These platforms should facilitate coordination, methodological development, information-sharing and the production of systematic evidence to inform national and EU policymaking.

TO HUMAN RIGHTS BODIES IN THE EU AND COUNTRIES OF RETURN

- ✓ Multi-jurisdictional post-return monitoring should be established through cooperation between EU Member States and third-country human rights bodies, enabling joint monitoring, respectively, of pre- and post-return situations respectively. Ensure that their findings systematically inform the European Union Asylum Agency (EUAA) general country assessments and national asylum and return authorities, disclosing personal or sensitive information about single individual cases only in exceptional and serious situations that need urgent redressing. Such monitoring should produce thematic reports and recommendations, and contribute to the restoration of the rights of returnees in cases of severe violations of Article 3 of the European Convention on Human Rights.
- ✓ In light of the feasibility of current practices of bilateral cooperation, the role of National Preventive Mechanisms in EU Member States should be expanded by formalising cooperation with their counterparts in countries of return (when possible) in order to advance post-return handover monitoring and enable a structured and more long-term follow-up.
- ✓ Improve pre-return safe information-sharing between independent human rights bodies in the EU and their counterparts in third countries by exploiting existing channels and creating new avenues to strengthen pre- and post-return engagements with monitoring. Those new avenues of cooperation should fully respect data

protection legislation, be based on informed consent of a returned person, and should never be used to inform migration control or enforcement policies in countries of return.

TO CIVIL-SOCIETY ORGANISATIONS AND INTERNATIONAL ORGANISATIONS BASED IN THIRD COUNTRIES

- ✓ Civil society organisations (CSOs) and international organisations (IOs) based in countries of return should build on their community-based human rights activities to contribute to the establishment and implementation of independent and rights-based post-return monitoring mechanisms, including systematic follow-up with returnees, documentation of human rights risks and violations, and facilitation of access to legal, social and protection mechanisms, particularly where state oversight is weak or absent. Their grassroots presence should be recognised as essential to facilitate early risk identification and sustained engagement with returnees. To support these functions, dedicated and sustainable funding should be made available through EU return and reintegration programmes.

TO INTERNATIONAL HUMAN RIGHTS TREATY BODIES AT THE UNITED NATIONS (human rights committees, including the Committee against Torture, that monitor the observance of human rights by states) AND REGIONAL LEVELS

- ✓ Ensure that the human rights situations of returned individuals are systematically incorporated into country-level monitoring and reporting, acknowledging different perspectives that reflect the country's position on the continuum of deportation (returning, transit, or receiving country), and especially addressing the challenges faced by vulnerable return populations.
- ✓ Continue to press all countries to engage in post-return human rights monitoring by posing specific questions on that topic and by including the establishment of such a mechanism in the recommendations provided. Once the mechanism is in place, evaluate its effectiveness.

TO IMPLEMENTING ORGANISATIONS OF REINTEGRATION PROGRAMMES (EU/MEMBER STATES FUNDED, FRONTEX EU-WIDE REINTEGRATION PROGRAMME)

- ✓ Complement existing reintegration monitoring missions by facilitating regular post-return monitoring visits by independent human rights institutions from the EU in cooperation with reintegration actors on the ground, to conduct regular post-return monitoring visits in countries of return and to produce independent, human-rights-focused reports beyond project performance and delivery.

TO THE EU, EU MEMBER STATES AND COUNTRIES OF RETURN

Importantly, fieldwork findings indicate that:

- ✓ Stakeholders in countries of return recognise that human rights risks and violations may arise not only after return but also during pre-return procedures in EU Member States, particularly in cases of forced return. Post-return monitoring frameworks should therefore contribute to greater transparency regarding the outcomes of return procedures initiated in the EU and help identify links between pre-return experiences and post-return vulnerabilities. This would strengthen accountability and reinforce the shared responsibility of countries of return, EU Member States, and EU institutions for ensuring rights-compliant return processes.

- ✓ Countries of return should be supported in developing national post-return monitoring systems that complement existing reintegration structures and focus on identifying, preventing, and responding to human rights risks. Such mechanisms should be nationally owned, embedded within existing institutions, and developed through cooperation with national human rights institutions, CSOs, IOs, the EU and EU countries enforcing returns. The EU should facilitate and coordinate the operations of such mechanisms (as addressed

above). This recognises that responsibility for ensuring rights-compliant return outcomes is shared between countries of return and the states enforcing returns, with the EU playing a greater role in meeting its corresponding obligations.

Overall, the establishment of post-return monitoring should be understood as complementing, rather than replacing, existing instruments (such as reintegration monitoring) and the mandates of institutions already engaged in related oversight activities, including national and international human rights bodies. These existing structures offer a strong foundation for further development, providing valuable experience, expertise, and data. They could either be incorporated into a dedicated post-return monitoring mechanism or continue to operate alongside it in a coordinated manner.

LIST OF ABBREVIATIONS

(I)NGOs: International and Non-Governmental Organisations
APR: Asylum Procedures Regulation
AVRR: Assisted Voluntary Return and Reintegration
CAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW: Convention on the Elimination of All Forms of Discrimination against Women
CERD: International Convention on the Elimination of All Forms of Racial Discrimination
CRC: Convention on the Rights of the Child
CRPD: Convention on the Rights of Persons with Disabilities
CAT: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women
CERD: International Convention on the Elimination of All Forms of Racial Discrimination
CMET: Committee for Monitoring and Evaluation Team
COI: Country of Origin Information
CPN: Child Protection Network
CPT: Committee for the Prevention of Torture
CRC: Convention on the Rights of the Child
CRPD: Convention on the Rights of Persons with Disabilities
CSO: Civil Society Organisation
CSOnetMADE: Civil Society Network on Migration and Development
DRC: Danish Refugee Council
DTM: Displacement Tracking Matrix (IOM)
EASO: European Asylum Support Office (now EUAA)
EC: European Commission
ECHR: European Convention on Human Rights
ECRE: European Council on Refugees and Exiles
ECtHR: European Court of Human Rights
EEAS: European External Action Service
EMF: Evaluation and Monitoring Framework
EMN: European Migration Network
ENNHRIs: European Network of national Human Rights Institutions
EO: European Ombudsman
EP: European Parliament
EPRS: European Parliament Research Service
ERSO: European Reintegration Support Organisation
EU: European Union
EUAA: European Union Agency for Asylum
EURAs: European Union Readmission Agreement
EURP: European Union Reintegration Programme
FAiR: Finding Agreement in Return
FGoI: Federal Government of Iraq
FRA: Fundamental Rights Agency
FRMs: Fundamental Rights Monitors
FRO: Fundamental Rights Office
GBV: Gender-Based Violence
GCM: Global Compact for Safe, Orderly and Regular Migration
GIZ: German Development Agency
HLP: Housing, Land and Property
HRs: Human Rights
IASC: Inter-Agency Standing Committee
ICC: International Criminal Court
ICCPR: International Covenant on Civil and Political Rights
ICESCR: International Covenant on Economic, Social and Cultural Rights
ICMPD: International Centre for Migration Policy Development
IDP: Internally Displaced Person
IHCHR: Iraqi High Commission for Human Rights

IOM: International Organization for Migration
IRARA: International Return and Reintegration Assistance
IRC: International Rescue Committee
ISIL: Islamic State in Iraq and the Levant (ISIS / Daesh)
JCC/JCCC: Joint Crisis Coordination Centre
KMH: Knowledge Management Hub
KRG: Kurdistan Regional Government
KRI: Kurdistan Region of Iraq
M&E: Monitoring and Evaluation
MedCOI: Medical Country of Origin Information
MFA: Ministry of Foreign Affairs
MIA: Ministry of Internal Affairs
MoHLSA: Ministry of Internally Displaced Persons, Labour, Health and Social Affairs
MoMD: Ministry of Migration and Displacement
NACTAL: Network Against Child Trafficking, Abuse, and Labour
NAPTIP: National Agency for the Prohibition of Trafficking in Persons
NCFRMI: National Commission for Refugees, Migrants, and Internally Displaced Persons
NEMA: Nigeria state agencies like National Emergency Management Agency
NGO: Non-Governmental Organisation
NHRC: National Human Rights Commission
NHRI: National Human Rights Institution
NIN: National Identification Numbers
NMP: National Migration Policy
NPM: National Preventive Mechanism
NRC: Norwegian Refugee Council
OCHA: United Nations Office for the Coordination of Humanitarian Affairs
OHCHR: Office of the United Nations High Commissioner for Human Rights
OPCAT: Optional Protocol to the Convention against Torture
PCI: Patriotic Citizen Initiatives
PDO: Public Defender's Office
RC: Reintegration Committee
RCMS: Readmission Case Management System
RD: Return Directive 2008/115/EC
RIAT: Reintegration Assistance Tool
RSS: Reintegration Sustainability Survey for Returnees
SCMI: State Commission on Migration Issues
SDC: Swiss Development Cooperation
SDG: Sustainable Development Goal
SOGIESC: Sexual Orientation, Gender Identity, Expression, and Sex Characteristics
STC: Safe Third Country
TWG: Technical Working Group on Migration Governance
UN: United Nations
UNAMI: United Nations Assistance Mission for Iraq
UNFPA: United Nations Population Fund
UNHCR: United Nations High Commissioner for Refugees
UPR: Universal Periodic Review
WHO: World Health Organization

GLOSSARY

Assisted Voluntary Return and Reintegration Programmes: Any measure to support (e.g. administrative, financial, logistical, counselling) the return and reintegration of a returnee in their country of origin or another third country by the State or by a third party (e.g. an international organisation or non-governmental organisation) which enables the returnee to live an independent life in the country of return. According to the European Commission, assisted voluntary return and reintegration programmes (AVRR) are an indispensable part of a comprehensive approach to migration management aiming at orderly and humane return and reintegration of migrants (rejected applicants for international protection, victims of trafficking in human beings, stranded migrants) who are unable or unwilling to remain in host or transit countries and wish to return voluntarily to their countries of origin. The programmes should not only take into account the needs of the individual returnee but also address the needs of local communities in the country of origin (EC, 2025).

Assisted Voluntary Return and Reintegration: Administrative, logistical and sometimes also financial support (including reintegration assistance) to migrants unable or unwilling to remain in the host country or country of transit and who decide to return to their country of origin (IOM, 2019: 13).

Asylum seeker: In the EU context, a third-country national or stateless person who has made an application for protection under the Geneva Refugee Convention in respect of which a final decision has not yet been taken (EC, 2025).

Country of return/destination country: In the EU context, a third country to which a third-country national returns (either voluntarily or not) (EC, 2025). Typically, this refers to the country of origin, but it may also be another country in which a returnee has the right to remain.

Enforced return: The concept of enforced return underscores the state's significant role in facilitating returns and influencing the decision-making process. This influence manifests in both direct and indirect ways. It is *directly* when the state employs coercion using its hard power or when the state sponsors programs and uses its soft powers to compel individuals to return; and it is *indirectly*, when migrants opt to return due to unfavorable circumstances induced by the state, such as restricted access to opportunities or social services, prompting them to view return as a preferable choice amid challenging conditions. As such, enforced return encompasses not only physically forced deportations (forced returns) but also voluntary returns induced by state policies and conditions, including, therefore, all types of return (Torres Chedraui et al., 2024).

EU+ countries: Member states of the European Union plus associated countries, including Switzerland, Norway, Iceland, and Liechtenstein.

Forced return: Forced return (also referred to as compulsory return) is the obligatory return of an individual to the country of origin, transit, or third country (i.e. country of return), on the basis of an administrative or judicial act (EC, 2025). The Return Directive uses the term "return" broadly, encompassing the process of a third-country national going back to their country of origin, a country of transit under readmission agreements, or another third country. In the context of forced return monitoring from the EU, forced return refers specifically to organised removals, involving escorted, and possibly coerced, transportation (on the entire journey or on sections of that journey) of individuals by air, land, or sea to their country of origin or another designated return country. Such operations are organised by police and/or migration authorities for individuals subject to a return decision and a removal order (ICMPD, 2021).

Fundamental rights of returnees in return procedures: A set of legal norms and safeguards applicable to individuals (in the context of forced return) as enshrined in the Charter of Fundamental Rights of the European Union and in other relevant international or national instruments (Lepșa–Rogoz et al., 2024; Petkov et al., 2024).

Human rights/fundamental rights: Are rights we have simply because we exist as human beings - they are not granted by any state. These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, colour, religion, language, or any other status. They range from the most fundamental - the right to life - to those that make life worth living, such as the rights to food, education, work, health, and liberty. Various legal documents and instruments set out the fundamental human rights to be universally protected (OHCHR, nd).

Human rights violations and risks: In the context of post-return, human rights monitoring addresses both violations (a concrete harm in breach of legally protected rights) and risks (potential harm that could lead to violations).

Migrant: An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from their place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term encompasses several well-defined legal categories of people, including migrant workers; persons whose movements are legally defined, such as smuggled migrants or refugees; and those whose status or means of movement are not specifically defined under international law, such as international students (IOM 2019:132). This definition also includes asylum seekers.

Monitor: In the context of forced returns from the EU, a monitor is a person designated by national authorities to observe a return operation from the EU in accordance with the monitoring system established by Member States under Article 8(6) of the Return Directive. The monitor may be assigned by the Member State concerned or by the Frontex pool of monitors, if requested by the Member State (Lepşa–Rogoz et al., 2024).

Monitoring: "Monitoring" is a broad term describing the active collection, verification and immediate use of information to address human rights issues. Human rights monitoring includes gathering information on incidents, observing events, visiting sites, and discussing matters with authorities to obtain information and pursue remedies and other immediate follow-up (OHCHR, 2021).

Monitoring (forced return operations): In the context of forced returns from the EU, monitoring assesses whether the operation complies with fundamental rights as enshrined in the EU Charter of Fundamental Rights and applicable international human rights law (Lepşa–Rogoz et al., 2024).

Monitoring and Evaluation of Reintegration (or reintegration monitoring): Is used to assess how a reintegration programme is performing, and whether it is meeting its intended objectives. Monitoring focuses on the short and medium term and can inform programme changes. Evaluation takes this a step further by assessing the programme's ultimate impact on the changes it seeks to make (IOM, 2021).

Post-return human rights monitoring: The systematic collection by independent monitoring bodies (human rights institutions, NGOs, and CSOs with access to returned individuals) of relevant data and information about human rights violations and risks that returnees face upon their return, including exposure to persecution or ill-treatment.[1]

Post-return (phase): Refers to the period and processes taking place after a migrant has returned to a country of origin, transit or a third country of return. (Lepşa–Rogoz et al., 2024).

Pre-return: For the purposes of this report, pre-return refers to all preparatory measures undertaken before a return takes place. This includes: a) activities preceding forced-return operations, such as the issuance of travel documents; b) preparations related to voluntary return programmes, including vulnerability and risk assessments conducted under AVRR; and c) any other procedures, evaluations, or considerations concerning the prospective returnee who has not yet returned (Lepşa–Rogoz et al., 2024).

Reintegration: A process which enables individuals to re-establish the economic, social and psychosocial relationships needed to maintain life, livelihood and dignity and inclusion in civic life (IOM 2019: 176).

Rejected/refused asylum seeker: Asylum-seekers found in a specially designed procedure as not falling under the definition of international protection are thus refused refugee status (UNHCR, nd).

Return: An umbrella term to refer to all the various forms, methods and processes by which migrants are returned or compelled to return to their country of origin or of habitual residence, or a third country. Return may include, inter alia, deportation, expulsion, removal, extradition, pushback, handover, transfer or any other return arrangement. The use of the term "return" provides no determination as to the degree of voluntariness or compulsion in the decision to return, nor of the lawfulness or arbitrariness of the return (OHCHR, 2024).

Return decision: An administrative or judicial decision or act, stating or declaring the stay of a third-country national to be irregular and imposing or stating an obligation to return that respects Directive 2008/115/EC (Lepşa–Rogoz et al., 2024).

Return Directive: Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

Return procedure: Consists of the set of measures and arrangements resulting from the adoption of a return decision and covering the different stages of a returnee leaving the territory of a returning Member State, until the arrival in the country of return (EC, 2025). In the context of assisted voluntary returns and reintegration, return procedures encompass broader preparations, including planning the delivery of reintegration assistance, to support returnees post-return.

Return Regulation: Regulation of the European Parliament and of the Council establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC from 11.3.2025, COM(2025) 101.

[1] This definition aligns with what the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) outlined in its reviews (for instance, on its visit to Belgium https://rm.coe.int/1680abeddd, p. 11), even though in its definition the CPT makes direct reference to "about the different problems that returnees face" while in our definition we make explicit reference to human rights violations and risks.

Returnee: A person going from a host country back to a country of origin, country of nationality or habitual residence, usually after spending a significant period of time in the host country, whether voluntary or forced, assisted or spontaneous (EC, 2025).

Returning state: In the context of all enforced returns, the country issuing the legal order for the return of a third-country national or, in the absence of a return decision, the EU+ country from where an individual returns.

Third country: A country that is not a member of the European Union, as well as a country or territory whose citizens do not enjoy the European Union right to free movement, as defined in Article 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code) (EC, 2025).

Third-country national: According to Article 3(1) of the Return Directive it is any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union (TFEU) or is not a national of a Schengen Associated State and who is not a person enjoying the Union right to free movement, as defined in Article 2(5) of the Schengen Borders Code.

Vulnerable person: Any person who, due to specific conditions, requires additional measures during the return procedures. According to the Return Directive, vulnerable persons include children, unaccompanied minors, persons with disabilities, elderly people, pregnant women, victims of human trafficking, single parents with small children, persons with medical conditions, and persons who have been subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence, exploitation and abuse (ICMPD, 2020). The European Commission's Return Handbook specifies that victims of female genital mutilation and persons with mental disorders may also be considered vulnerable in this context (EC, 2017). Vulnerability should be understood as a dynamic concept that requires individualised assessment, taking into account a broad and evolving range of factors beyond those listed.

1. INTRODUCTION

1.1 BACKGROUND AND POLICY CONTEXT

In the context of this report, and largely in line with what the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) outlined in its reviews, the report identifies post-return monitoring as the systematic collection by independent monitoring bodies (human rights institutions, NGOs, and CSOs with access to returned individuals) of relevant data and information about human rights violations and risks that returnees face upon their return, including exposure to persecution or ill-treatment. The aim of post-return monitoring is to provide authoritative observations and evaluations of the treatment and living conditions of individuals returned from the EU, to ensure compliance with international human rights obligations, and to prevent human rights violations and risks after arrival. Overall, human rights monitoring seeks to address protection gaps in the implementation of returns to ensure they are human rights-compliant and occur in conditions where concerns about violations, procedures, and return practices can be investigated, followed up, addressed, and ultimately prevented.

In accordance with EU law and international human rights conventions, returns must be carried out with full respect for fundamental rights and the dignity of the persons concerned (Pirjola, 2019:364). Returning states have a duty to ensure that returns are lawful. Phases of removal are usually divided into pre-return, return and post-return. In these phases, the following, not exhaustive rights, need to be guaranteed and protected: due process; legal assistance; right to appeal a return decision; suspensive effects; safeguards pending return, especially for "vulnerable" potential returnees; prohibition of collective expulsions; individual assessment; principle of non-refoulement; best interest of the child; the right to family or private life; safety and dignity of return; fit-to-travel/return; right to be informed on procedures of return and rights etc. (Pirjola, 2019; Petkov et al., 2024). Therefore, efforts to build a common EU return system should incorporate fundamental rights safeguards and procedural guarantees to ensure not only *effectiveness* but also *a humane approach* (Dumbrava & Radjenovic, 2024) — something currently hindered by the absence of a binding legal framework for post-return monitoring. More than a decade ago, Podeszfa and Vetter (2013) already reported that, following a 2011 European Commission study,[2] only 13% of the EU Member States consulted in the research reported that they monitored post-deportation outcomes.

There may be many human rights issues in countries of return that affect both returnees and residents. For those returning, their right to do so "has been codified in international instruments and regional treaties as the right of everyone to enter or return to their own country" (Kalach, 2024:2). Countries of origin have an obligation to readmit their own nationals, but serious responsibilities pertain to the conduct of returns enforced by EU+ countries, and, given that at different stages of their migration trajectories migrants face human rights violations and are exposed to risks in and within the EU, this obligation is particularly salient. In their attempts to reach the EU, people on the move can be subjected to illegal pushbacks and border violence (BMVN, 2024), with their reality shaken by widespread practices of "illegalisation" and "criminalisation" (Klaus et al., *forthcoming*). During their lives in EU host countries individuals involved in return processes can experience limited access or full withdrawal of minimum welfare provisions (Lindberg, 2022); can be detained for reasons related to their migration status and return proceedings (this concerning also those defined as "unreturnable" for administrative reasons, statelessness or in light of human rights situations; ECRE, 2014); and can undergo homelessness or sustain inadequate and unsafe accommodation conditions under the threat of deportation (Giansanti et al., 2022).

Overall, besides individual cases or particular circumstances, the fate of those returned remains largely unknown to European policymakers and EU citizens, as it is first of all dismissed in policy (Pirjola, 2019). EU Member States' abstract human rights commitments towards returnees are not consistently assessed in practice, especially in the context of the international protection of rejected asylum-seekers (Pirjola, 2019). As such, protection for returned migrants rests contingent on the absence of systematic monitoring and reporting, therefore limiting the possibility for returning states to be informed about and uncover "the scope of potential

[2] ICMPD and Matrix Insight Ltd, Comparative Study on Best Practices in the Field of Forced Return Monitoring, 10 November 2011. Available at: https://op.europa.eu/en/publication-detail/-/publication/88a6b015-a715-45f3-af69-1ef33b991500

abuses" (OHCHR, 2018). This, despite the fact that deportations pose problems for human rights (Andrijasevic, 2010), with serious consequences for the well-being of returnees who attempt to establish themselves socially, economically and politically in their contexts of return (Black & Koser, 1999).

Within its internal dimension, the Return Directive (RD) (2008/115) in Article 8(6) has long mandated the establishment of effective fundamental rights monitoring systems for forced return to support return procedures from the EU[3]; the proposed Return Regulation (2025/101)[4] revising the Directive reinstates this obligation in Article 15. The role of monitors involved in forced-return operations, who serve as a crucial oversight mechanism, helping to promote transparency and ensure that such operations are conducted in accordance with fundamental rights standards, should be highlighted (ICMPD 2021). By contrast, no equivalent legal obligation exists for monitoring assisted voluntary return and reintegration (AVR(R)) programmes for returns from the EU or returns deemed as 'voluntary' more broadly. This, despite the possibility for the FRO to monitor such operations, while national implementation remains absent (Patteri, 2024). Similarly, there is also no obligation to systematically collect information on the experiences of migrants after their return to their country of origin or a third country – even though a system for post-return monitoring was originally envisaged during the drafting of the Return Directive for statistical purposes (Petkov et al., 2024:42).[5] The 2017 Recommendations of the European Commission (EC) on establishing a Common Return Handbook for Member States, explain that forced-return monitoring, under the RD (2008/115), should be limited to monitoring "until reception in the country of return", noting expressly that "It does not cover post-return monitoring, i.e. the period following reception of the returnee in a third country" (p. 119). As systematic and up-to-date information about the experience of returning migrants to their country of origin (or a third country) is not collected, returning states' enforcement decisions, even if of negative impact for the human rights of returnees, remain widely unaffected, with monitoring mostly limited to handover operations, and mostly concerning returns conducted by flights (mostly charter rather than scheduled).

Concernedly, research has shown that the "effectiveness" of return policies continues to be measured primarily through quantitative indicators, with limited consideration of fundamental rights safeguards, procedural guarantees, the sustainability of return, or post-return outcomes (Dumbrava & Radjenovic, 2024). The EP Research Service's study of the Implementation of the Return directive (2008/115) of 2020 confirmed that "reliance on the return rate as the primary indicator of policy effectiveness is methodologically questionable, particularly in the absence of a qualitative assessment – underscoring the need for post-return monitoring and relevant indicators concerning the circumstances of returned individuals" (Eisele et al., 2020:139). This aligns with the need to promote and implement rights-based return policies that account for assessments of individuals' return trajectories (Alpes & Majcher, 2020). Scholars have consequently identified an "accountability gap" regarding the rights and well-being of returnees (Alpes & Majcher, 2020), while organisations such as ECRE (2022:3) have stressed the increasing need for post-return monitoring, especially when returns take place to countries affected by conflict or involve vulnerable groups.

Recent developments, including the Return Regulation (2025/101), the expansion of cooperation with third countries, the possibility of establishing extra-EU "return hubs", and the implementation of the Pact on Migration and Asylum, further reinforce the importance of robust monitoring mechanisms. While EU Member States keep addressing the externalisation of migration governance as a necessary step to faster returns, several organisations, including Amnesty International, PICUM and UN experts, such as the Special Rapporteur on the human rights of migrants or UN High Commissioner for Human Rights, have criticised the establishment of

[3] For more on work related to harmonising procedures of fundamental right monitoring across EU Member States, see the project Forced Return Monitoring (FReM III), led by ICMPD in cooperation with Frontex and FRA, concluded in 2021; and Lepşa–Rogoz et al., 2024, Improved Return Monitoring Guidelines, as part of the FAiR project.

[4] In March 2026, the European Parliament Civil liberties (LIBE) Committee adopted its position on the Regulation, despite concerns over human rights (MPG, 2026), with the Council and the Parliament reaching a provisions agreement on the text on 1 June 2026 (Council of the EU, 2026), with formal approval achieved on 17 June 2026. The European Parliament (2026) reported that "Following Parliament's approval, the text needs to be formally adopted by Council and published in the Official Journal before it can enter into force. Some provisions, including on return hubs, the age assessment of minors and the external dimension of returns, will apply immediately. Other provisions that require preparatory steps will enter into application 12 months after the legislation's entry into force." As of 20 September 2026, formal adoption is still pending.

[5] The European Parliament (2007) proposed the inclusion of the following clause on monitoring post-return in the Draft EU Return Directive, however, this clause was deleted thereafter: "For the purposes of evaluating the impact of the return policy on the persons concerned as well as on the country or society to which they are returned, all returns shall be registered and monitored with a view to drawing up statistics" (Amendment 72).

"return hubs" because it would effectively allow sending individuals to countries with which they have no effective connections, potentially exposing them to the risk of detention and to limited guarantees that their rights will be upheld. Concernedly, the Regulation (2025/101) also modifies the definition of "country of return", broadening "the range of countries to which third-country nationals (TCNs) can be forcibly returned beyond their country of origin. This includes countries where they may have previously resided, safe third countries, first countries of asylum, or countries where they have the right to enter" (Radjenovic, 2025:4). As return decisions increasingly involve transfers to a wider range of EU third countries under lower safeguards, assessing the actual human rights consequences of such returns becomes even more important.

In this policy context, the report addresses the following questions:

- *Section 1.* Why is post-return monitoring important for return governance, and what legal, political, and practical challenges hinder its implementation?
- *Section 2.* What constitutes post-return monitoring, and how does it differ from reintegration monitoring?
- *Section 3.* What approaches have emerged towards post-return monitoring, and what pathways can support its implementation?
- *Annexes, fieldwork analysis*. What are the human rights realities of return in Georgia (*Annex 1*), Iraq (*Annex 2*) and Nigeria (*Annex 3*), and how can post-return monitoring respond to them?

1.2 METHODS

The report is grounded in *a)* desk research; *b)* qualitative fieldwork; and *c)* legal and policy analysis.

a) Desk research: The overall review drew on academic literature, reports from international and non-governmental organisations ((I)NGOs) and CSOs, and the work of international and national human rights bodies from the EU. More focused desk research was undertaken to analyse return frameworks in third countries (in Annex), with a focus on the relevant legal, policy, and institutional arrangements. This analysis was tailored to the selected countries of return to ensure close alignment with, and effective integration of, the fieldwork data.

b) Qualitative fieldwork: *i) Semi-structured expert interviews in third countries:* A total of **33 semi-structured expert interviews** were conducted in third countries: 10 interviews in **Georgia** [*GE_1-GE_10*], 11 interviews in **Iraq** [*IQ_1-IQ_11*], and 12 interviews in **Nigeria** [*NG_1-NG_12*]. Interviewees included representatives of state authorities, human rights institutions, civil society organisations (CSOs), (I)NGOs, EU Delegations, Member State representations, and reintegration programme implementers. The majority of interviews were conducted in-person in Tbilisi, Baghdad and Abuja by researcher partners of the FAiR Project from the International Centre of Migration Policy Development (ICMPD) between June 2024 and May 2025. Access to stakeholders was facilitated by ICMPD field-offices presence and contextual knowledge in the selected countries' capital cities. Crucially, collaboration with local-native researchers was sought for data analysis and the drafting of the country reports in Annex, strengthening the contextual interpretation of findings through their situated expertise. Their analyses are based on internal, fully anonymised and detailed fieldwork reports: only countries and the general institutional affiliation of interviewees is reflected. This fieldwork data also grounded the overall report's findings and informed the earlier analysis.

ii) Expert interviews at EU level: Two additional expert interviews were conducted at the EU level, with representatives of the European Ombudsman [*EO_1*] and the FRO jointly with Frontex [*FX_FRO_1]* (interview notes). These two interviews were conducted by a researcher from the Institute of Law Studies of the Polish Academy of Sciences in July and August 2025.

Ethical approval for the overall data used in the report was obtained from the Ethics Committee of Erasmus University Rotterdam, the coordinating institution of the FAiR Project.

c) Legal and policy analysis: The report is informed by a comprehensive legal and policy analysis, examining applicable EU law and selected examples of national legal frameworks and practices (such as post-handover monitoring agreements from Italy), as well as relevant policy instruments shaping return procedures and post-return conditions in the three selected countries. It traces institutional positions and policy developments that have shaped current debates on post-return monitoring within the EU, and builds on previous recommendations in this field.

1.3 WHY POST-RETURN HUMAN RIGHTS MONITORING MATTERS?

This report identifies the potential impact of establishing post-return human rights monitoring as multifaceted:

i) To positively impact the human rights of returnees

- Verify the correct assessment of returnees' factual risks related to non-refoulement, especially in the case of refused asylum seekers (Petkov et al., 2024; Pirjola, 2019; Podeszfa & Vetter, 2013; Alpes & Majcher, 2020), and the collection of relevant information on post-return outcomes for targeted vulnerable returnees "with the aim of identifying individuals with specific needs or who face particular challenges and refer them to the appropriate local and international authorities and structures for follow-up" (UNHCR, 2010:9);
- Safely facilitate the provision of legal and practical support for "wrongly" returned individuals (Alpes et al., 2017a) and for those in need of follow-up interventions (like *inter alia* human trafficking survivors or other members of vulnerable groups, including members of the LGBTQIA+ community or gender violence survivors);
- Allow for complaint mechanisms to be activated by returnees ex ante and ex post.

ii) To inform and improve the EU return and asylum policy

- Enhance the transparency and accountability of return and asylum policy, making asylum decisions more credible and fairer within their outcomes;
- Influence how EU+ countries assess the safety of third countries as to impact their return enforcement decisions (Pirjola, 2019:384);
- Generate critical insights and provide for constant updates through the collection of reliable post-return information to feed, for instance, on the COI reports published by the EUAA or to create other specially designed reports based on a similar methodology (Alpes et al., 2017a) and influence court and state decisions;
- Put greater trust in the legality of state practices concerning the treatment of returnees (Noll, 1999; Pirjola, 2019:372) and foster compliance with returns (Petkov et al., 2024:44).

iii) To strengthen information exchange between the EU and Third Countries' Human Rights Actors

- Track post-return conditions and establish safe post-return data sharing platforms for reporting on returnees in order for organisations in receiving countries to effectively monitor (Podeszfa & Vetter, 2013:68). That information may be shared only based on the principles listed in EU law and with the informed consent of a returnee.
- Publish reports on post-return human rights violations that "could also be used by lawyers for strategic litigation to set precedents, and by activists and organisations lobbying for improved asylum procedures" (Podeszfa & Vetter, 2013:68);
- Promote accountability and rights-respecting practices of both returnees-receiving states (Petkov et al., 2024:44)[6] and returning states;
- Engage in trust-building and training human rights public institutions (like human rights commissioners or commissions, National Preventive Mechanisms established under the provisions of The Optional Protocol to

[6] The duty to protect is derived from Principle 13(b) of the UN Guiding Principles on Business and Human Rights, endorsed by the UN Human Rights Council through Resolution 17/4 on 16 June 2011. While not legally binding, the document serves as a widely accepted international standard.

the United Nations Convention against Torture – if they exist) and civil society organisations alike. Provide support (including financial support) to enable their work.

iv) To establish close cooperation between the EU and other human rights international institutions

- Closely monitor data collected by the UN treaty bodies and regional mechanisms protecting human rights (African Commission on Human and Peoples' Rights, Inter-American Commission on Human Rights, Arab Human Rights Committee, etc.), especially in two contexts:
  1) looking at the complaint mechanism that exists there and cases that are filed by people returned from the EU and other countries;
  2) including in cycle reporting mechanisms, questions regarding returnees and their situation upon return, with the overall length of monitoring depending on individual cases and finding needs;
- Establish close cooperation with a specially designed monitoring institution on the prevention of torture, like the UN Subcommittee on Prevention of Torture (SPT), to make sure that returnees constitute a group that the SPT closely observes during their field visits.

1.4 WHY ESTABLISHING POST-RETURN HUMAN RIGHTS MONITORING REMAINS A CHALLENGE?

Interlinked a) legal, b) political, and c) control-related concerns are often advanced to justify the absence of formal post-return monitoring systems (Petkov et al., 2024).

a) Legally, strictly speaking, returning states have no obligation to track what happens after individuals *are returned/are compelled to return* to countries of origin or third countries, as human rights law applies only within their own territory or jurisdiction. This legal argument has been the subject of reflection, especially in the European Court of Human Rights (ECtHR) case-law in reference to returned vulnerable individuals whose conditions exacerbated upon return, and for those who faced torture, persecution and death (Petkov et al., 2024). Otherwise, establishing post-return monitoring in EU third countries can constitute a form of external governance and interference in the work of human rights institutions operating there and national accountability architectures. However, it is also the case that a jurisdictional understanding of human rights obligations based on territorial sovereignty can facilitate the displacement of responsibility that, for instance, already support many EU externalisation practices (Nicolosi, 2024:11). Indeed, scholars have shown how states can evade responsibility by externalising migration control while continuing to influence migration outcomes beyond their borders, thereby directly undermining key human rights principles. This has been observed, for example, in the context of boat pushbacks and pullbacks to Libya supported by Italy and the EU (Barnes, 2022; Moreno-Lax, 2025). As such, treating post-return human rights outcomes as falling exclusively within the jurisdiction of receiving states risks obscuring the role and potential responsibility of sending states in producing or contributing to those outcomes. Such an approach allows the EU (including through Frontex) and its Member States to distance themselves from accountability for the consequences of their return policies once individuals are returned from its territory (see Vara, 2023), despite relevant international legal obligations still applying. This distancing might also restrict opportunities for legal redress under readmission agreements (CoE, 2018).

In line with this, fieldwork findings in Georgia, Iraq, and Nigeria (presented in the Annexes to this report) also point to human rights violations and protection risks arising during pre-return procedures in the EU and its Member States, which may contribute to protection gaps after return. While much of the fieldwork highlights reintegration challenges, these should not be viewed in isolation. Rather, they can interact with and exacerbate broader human rights risks and violations, depending on pre-return conditions, individual vulnerabilities, and the specific context of the country of return. The fieldwork further explores how stakeholders in countries of return perceive rights violations occurring during the return process in the EU, raising important questions regarding accountability that extend beyond the post-return phase.

Ultimately, therefore, while it is important to account for particular jurisdictions, sovereignty and non-interference principles, the well-documented reality that return processes from the EU can result in harmful

outcomes and serious human rights violations for returnees suggests that responsibility cannot be viewed as exclusively territorial. Rather, responsibility should be understood as "shared" (Nollkaemper & Plakokefalos, 2014) among the various actors involved in the return process, including receiving states, returning states, and the EU institutions that shape and support return policies. Indeed, mindful of these legal and political sensitivities, this report does not seek to shift primary responsibility for monitoring and accountability onto countries of return. Rather, it places particular emphasis on the responsibilities of the EU and its Member States, as the actors initiating, financing, coordinating, and implementing EU return policies where their conduct contributes to human rights violations (OHCHR, 2026). This recognises that the feasible and "fair" designing and implementation of post-return monitoring mechanisms require cooperation with human rights institutions, bodies and organisations in countries of return – as well as facilitation from authorities.

b) Politically, information generated through post-return monitoring may be politically sensitive, as findings could affect the issuance of return decisions and constrain deportation practices pursued by states seeking to increase returns. Such evidence may also complicate or delay EU asylum procedures by calling into question assessments of safety in countries of return and necessitating additional scrutiny of protection claims. This – together with the argument that maintaining effective cooperation on returns and readmissions to third countries may depend on overlooking human rights violations in destination countries – leads to political resistance to promoting post-return monitoring as a beneficial mechanism for the EU as a whole (Petkov et al., 2024).

The fieldwork data highlight sensitivities surrounding post-return monitoring, which may be perceived as an external influence from the EU and its Member States. The tailored country recommendations, in the Annexes of this report, propose approaches that balance accountability with national ownership. Such mechanisms should be developed through cooperation among EU institutions, Member States, countries of return, and national and international human rights bodies to strengthen shared responsibility for rights-compliant return processes. As recommended by the UN Special Rapporteur on the Human Rights of Migrants (2026:1,18) in a recent report on the externalisation of migration governance and its impact on human rights, it is necessary to create "genuine responsibility-sharing mechanisms" between sending and receiving countries, as well as clearly distinguishing between the goals of externalisation measures to prevent mobility and control migrants, and those of "cooperation aimed at facilitating safe and regular migration, ensuring access to protection, and strengthening collective responses to migration and asylum governance".

c) Further, as emerged in some passages of our fieldwork, it is important to underline that such mechanisms ***could be perceived by returned individuals as tools to control their re-emigration trajectories to the EU***, therefore aiming to deter their departures. As post-return human rights monitoring needs to be grounded in the informed and voluntary consent of the individuals concerned, it is essential that its purpose, scope, and safeguards are clearly communicated. Monitoring mechanisms should therefore be designed and implemented independently from migration-control objectives, ensuring that they serve exclusively to document post-return challenges, identify protection needs, and promote accountability for human rights outcomes, rather than to track, deter, or influence future migration decisions.

Overall, while acknowledging these controversies and challenges, it is precisely the *legal*, *political*, and *practical limitations* surrounding accountability after return that strengthen the case for introducing post-return human rights monitoring mechanisms. **Rather than extending the jurisdiction of returning states or undermining the sovereignty of countries of return, such mechanisms can help address existing protection gaps by generating evidence on pre-return arrangements and post-return outcomes, enhancing transparency, and informing policy and practice**.

2. POST-RETURN HUMAN RIGHTS MONITORING: KEY PRINCIPLES, ELEMENTS AND OBJECTIVES

2.1. KEY PRINCIPLES AND ELEMENTS

Within post-return processes, human rights monitoring addresses both violations (concrete harm in breach of legally protected rights) and risks (potential harm that could lead to violations). Some post-return risks can be more severe than others – "reach[ing] the threshold of human rights violations, casting doubt on the legality of the deportation", while others might question the legitimacy and effectiveness of implementing returns in such circumstances (Alpes, 2019). In its *Manual on Human Rights Monitoring*,[7] the United Nations Human Rights Office of the High Commissioner (OHCHR) reiterates that migrants' rights are human rights and, as such, regardless of their migration status or reasons and modes of migration, all migrants are entitled to the protections provided by international human rights law. Returned migrants are not an exception, so "monitoring strategies should seek to protect and promote the human rights of migrants and address protection practices in law, policy and practice" (OHCHR, 2011:4). The OHCHR addresses independent human rights monitoring as a key component for a human rights-based approach to return:

> "Independent human rights monitoring across all stages of the return process, whether it is considered as forced or voluntary, from pre-return to post-return, is necessary to guarantee that all returns are carried out in accordance with international human rights law and standards, as well as to foster sustainable return and reintegration. Independent monitoring is a key tool to prevent human rights violations, ensure accountability, as well as to evaluate the impact of return and reintegration laws, policies, programmes and practices and inform their review" (OHCHR, 2011:14).

Importantly, "monitoring should aim to reinforce the State's responsibility to respect, protect and fulfil human rights – not replace it" (OHCHR, 2011: 3).

Key Monitoring Principles include:*

Protection	Do no harm, ensure informed and voluntary consent, and prioritize the safety and well-being of individuals concerned.
Independence	Maintain impartiality, uphold objectivity, and ensure credibility.
Accuracy	Collect, verify, and document reliable evidence, respecting authorities and security standards.
Participation	Engage affected individuals and relevant stakeholders.
Inclusion	Integrate gender and diversity considerations to identify specific aspects of human rights situations.
Contextualization	Consider the broader social, political, and legal context.
Transparency & Accountability	Keep relevant stakeholders informed of the work, and support rights protection and oversight.
Visibility	Pursue visibility, as well as assert discretion when necessary.

*Among others, these monitoring principles in the above table are presented in the human rights monitoring framework developed by OHCHR (retrieved, *2011*).

Key legal standards and policy recommendations in the context of human rights and return are addressed in the table below (parts of text extracted from OHCHR, 2024):

[7] Chapter 26, Monitoring and Protecting Human Rights in the Context of Migration (OHCHR, 2011).

Key elements of a human rights approach to post-return monitoring include:	
Systematic and Targeted Observation	"States should ensure regular, publicly available collection and analysis of disaggregated quantitative and qualitative data and information on returns while protecting personal data and the right to privacy" (OHCHR, 2024: 14).
Independent Monitoring Bodies	Monitoring should be carried out by independent institutions and human rights bodies at national, regional, and international levels.
Risk-Based Monitoring Plans	Ex ante monitoring strategies should be developed on the basis of asylum procedures, return contexts, and identified human rights vulnerabilities of returnees.
Accessible Complaint Mechanisms Before and After Return and Remedies	*"Everyone should have access to effective complaint mechansims and remedies which should be accessible also after the return, to report any violations occurring prior, during and after the return. Any allegation of human rights violation should be promptly and impartially investigated and remedies must be capable of ending ongoing violations. Returnees should be informed of their right to report violations and that those whose rights are violated during return processes can file complaints during or after the return process, remain contactable and able to testify against perpetrators of crimes and violations of human rights (for instance, through return to the country or by video link) and access an effective remedy in or from the returning country"* (OHCHR, 2024: 14).
Public Recommendations, Accountability and Prevention	Monitoring bodies should have a legal mandate to issue public recommendations aimed at redressing existing violations. Monitoring findings should inform mechanisms capable of addressing identified risks, ensuring accountability, and preventing future violations.

2.2 HUMAN RIGHTS VIOLATIONS AND RISKS TO MONITOR IN THE POST-RETURN PHASE

Several scholars have conducted targeted research on post-return human rights monitoring and generated broader knowledge that reinforces the need for effective oversight mechanisms following return:

- Under Objective 21 of the Global Compact on Safe, Orderly and Regular Migration (GMC), which calls for sustainable return and reintegration, Alpes and Majcher (2020:15) advocated for the establishment of robust post-return human rights monitoring. By assessing empirical data in the light of socio-economic human rights, they stressed that such monitoring should assess not only the general conditions of return but also the individual circumstances faced by returnees upon arrival.
- Pirjola (2019) examined the limitations and potential of post-return monitoring for rejected asylum seekers, concluding that such mechanisms could support EU Member States in developing return policies that are not only effective and transparent but also morally accountable. In terms of positive outcomes, Pirjola (2019:370) noted that evidence from Human Rights Watch (2018) on the treatment of Sri Lankan returnees in 2012 prompted the UK to suspend deportations of ethnic Tamil asylum seekers, illustrating how knowledge of post-return outcomes can affect the conduct of returns.
- Alpes and others (2017a) analysed the risks faced by failed asylum seekers after deportation, emphasising that post-return monitoring can contribute to improved refugee policies and migrant security by addressing those risks. Further, for the same aim, Alpes and Sørensen (2016) divided post-deportation risks into three forms, namely a) inhumane and degrading treatment, b) insecurities in the hands of state agents and c) economic and psychosocial risks. This distinction provides a clearer understanding of the extent to which EU Member States are required to establish, support, and engage in post-return monitoring.

- In the context of the EU-Turkey Statement, Alpes and others (2017b) highlighted a significant human rights gap, noting that the EU had failed to implement monitoring mechanisms for individuals readmitted to Turkey – exposing them to rights violations.
- Podeszfa and Vetter (2013) addressed the need for post-return monitoring of refused asylum seekers post-deportation as critical to their effective protection, assessing compliance with the principle of non-refoulement.
- Ramos (2011) documented the experiences of individuals deported from the UK to the Democratic Republic of the Congo (DRC), uncovering serious human rights abuses. Importantly, while there was no evidence that UK authorities disclosed asylum claims to the DRC government, Ramos addressed how the deportation process itself (i.e., airport screening practices and diaspora surveillance) exposed returnees to ill-treatment by Congolese authorities. Ramos argued that, in the absence of effective post-return monitoring, the assumption of "safe return" underpinning such deportations was untested – and therefore unjustified.
- Both academics (Paasche et al., 2018) and NGOs (After Exploitation) call for monitoring of the situation of returned survivors of human trafficking, as they are in a particularly vulnerable position, being highly stigmatised also because of their victimisation. Another issue is their safety and protection against representatives of criminal groups that were involved in their trafficking (Ramaj 2023).

Similarly, and building on both previous research on post-return monitoring and the findings generated through the project's fieldwork, **the report identifies three priority areas for monitoring human rights violations and risks in the post-return phase**. These priority areas were selected on the basis of their relevance for human rights protection, their connection to existing EU return and asylum safeguards, and the feasibility of monitoring interventions:

A. Verifying Compliance with Non-Refoulement Decisions for Rejected Asylum Seekers for all Enforced Returns;
B. Addressing Responses and Progress in Post-Return Cases Following EU Involvement;
C. Follow-Up Mechanisms for Targeted Vulnerable Returnees Identified Before Return (With or Without EU Asylum Claims).

A. Verifying Compliance with Non-Refoulement Decisions for Rejected Asylum Seekers for all Types of Enforced Returns

After their return has been enforced (whether it is considered forced or deemed as "voluntary"), returnees might face serious human rights violations. Under international human rights, refugee, humanitarian and customary law, the principle of *non-refoulement* guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or any other severe human rights violation. Procedural aspects of non-refoulement include a careful individual assessment by the State to establish whether the returned-to-be person is at risk of being subjected to human rights violations and irreparable harm upon return. In other words, the right of states to regulate migration and implement returns, as part of their sovereign prerogatives, is not absolute but is exercised within these limits.

In certain cases, return may expose individuals to the risk of persecution, torture, or inhuman and degrading treatment. In practice, in fact, the international obligation of non-refoulement is not always respected. Driven by a *modus operandi* that either narrows its interpretation (Moran, 2021) – or entirely dismisses its scope especially in cases of illegal pushbacks both at land and sea (UN Human Rights Council Report, 2021) or pullbacks (Moreno-Lax, 2025) – the principle is often denied as custom – in reported circumstances, with the potential responsibility of Frontex (Gkliati, 2022). The OHCHR in its report (2021) on forced expulsion of migrants from Libya, also raised attention to *chain-refoulement* practices where third-country returnees are removed via intermediary countries, shuttled back into their country of origin and experiencing, therefore, human rights violations in several countries. In Libya, this adds to the inhumane detention, torture and ill-treatment (Barnes, 2022).

In human rights law, non-refoulement protection takes particularly into account risks to life and liberty, encompassing physical integrity breaches such as torture, inhuman and degrading treatment and enforced disappearances (Petkov et al., 2024). When applying to international protection, the principle of non-refoulement secures the right of an asylum applicant to remain in the host country, but such protection applies to both refugees (as per refugee law) and to any other person's under a state jurisdiction (as per human rights law) when a related danger exists in the country (or some areas and territories within it) where a person is supposed to be returned to (Rodenhäuser, 2018). In the case of return procedures from the EU, an asylum request that has been rejected can underpin the execution of return upon individual consideration of applications, with the EUAA providing for Country of Origin Information (COI) reports gathering "relevant information and draws up reports providing for accurate, reliable and up to date information on third countries to support EU+ asylum and migration authorities in reaching accurate and fair decisions in asylum procedures, or support policy making". The COI presents general information related to "the political, religious and security situation and to violations of human rights, including torture and ill-treatment in the third countries concerned", including Medical Country of Origin Information (MedCOI) on the availability and accessibility of medical interventions in countries of origin.

In addition to the absolute prohibition of torture and ill-treatment, human rights jurisprudence has strongly linked the principle of non-refoulement with the obligation for states to consider the impact of return of individuals with severe health conditions, as well as prohibiting deportations in cases where individuals are exposed to gender-based violence, inhuman or degrading living conditions, cases of deprivation of liberty and prolonged solitary confinement (PICUM, 2025). In all cases, incorrect decisions can be made, with detrimental effects for returnees: indeed, the post-return risk perspective could be worse than that assessed pre-departure. If returning states do not address, or do not address properly, the merits of an asylum request, the state's duty not to expose the individual to a real risk of treatment contrary to Article 3 of the ECHR is discharged. The principle of non-refoulement, in fact, "is not satisfied with a *de jure* assessment of risks [as] it requires states to correctly assess the real conditions that are faced by those subjected to deportation" (Petkov et al., 2024:43). This is because asylum seekers are often treated as *mere* economic migrants not in need of protection (ECtHR, 2024), or in recent developments (especially in Poland or Greece), the right to asylum has been suspended for some people on the move, rendering them in a situation where their asylum case will never be properly scrutinised and they are subjected to return procedure.

Further, in the EU asylum acquis, the notion of "safe" country of return is a "third country (other than that of origin) that treats a person seeking international protection in accordance with accepted international standards". Such a definition implies that Member States can designate the return of a person as feasible and lacking serious human rights violations if certain conditions are met. As of 2021, only 7 EU countries adopted national lists designating third countries as safe (EUAA) – with the new EU Pact legislation the Safe Country of Origin (SCO) concept as mandatory for all Member States beyond those designated at EU level (EPRS, Radjenovic, 2025) – the presumption of safety for nationals originating from certain countries raises concerns for the automatic exclusion of refugee status considerations, issuance of a negative decision, and consequent application of accelerated procedures of return. Earlier in February 2026, the EP adopted new rules for safe third countries and the EU safe countries of origin list (Bangladesh, Colombia, Egypt, Kosovo, India, Morocco and Tunisia to be considered safe for their own nationals. EU candidate countries will also be presumed safe) (EP, 2026). With the EC amendments to the Asylum Procedures Regulation (APR) of the Pact, the Safe Third Country (STC) concept is introduced, which: (a) eliminates the mandatory connection between the applicant and the STC; (b) considers transit to a STC a sufficient link to apply the concept; (c) in the absence of a connection or transit, the STC concept is applied if there is an agreement/arrangement with the third country; and (d) eliminates the automatic suspensive effect of appeals against inadmissibility decisions based on the concept (see EC Staff Working Document, 2025).

In their study assessing the impact of the proposed Return Regulation (2025/101) and the two legislative proposals of SCO and STC, Carrera and Colombi (2026:6) addressed important concerns on further attempts to shift (human rights) responsibilities of the EU to third countries, that is "third countries with no connection links with the person, or to certain regions in their country of origin, which are artificially and politically labelled as

'safe' for the sole purpose of justifying the application of accelerated (automatic) rejection procedures and facilitating deportation". Similarly, according to ECRE (2025), these developments will increase deportations to countries that are, in reality, not safe and contribute to the erosion of appeal rights for asylum applicants. As is the practice, states' decisions to enforce return to certain third countries can be heavily influenced by political considerations that contradict assessments of what country is acceptable as a "safe" one as a whole or which part(s) of a country are considered safe. This is the case for Syria, with mounting pressure in the EU to fully consider returns to the war-torn country as feasible and safe[8].

As we can see, therefore, multidimensional aspects of (human) security conditions need to be addressed to recognise that states' supposed compliance with non-refoulement criteria as following the rejection of their asylum application in the EU does not necessarily align with possible risks to the personal safety of individuals emerging post-return (Creed et al., 2023). Hence, the context of return can fundamentally affect post-return outcomes, particularly when returns occur during pending asylum or appeal procedures in the EU, which may constitute a clear breach of non-refoulement.

B. Addressing Responses and Progress in Post-Return Cases Following EU Involvement

As a migration tool, diplomatic assurances are sought in consideration of individual removal proceedings, but also applied more generally to guarantee that individuals will not be subjected to serious and grave human rights violations post-return (torture, death penalty, inhumane and ill treatment) (Cleton et al., 2025). The method of seeking diplomatic assurances is particularly salient in cases where the deportable individual is considered a potential threat to the national security of the country to which the return is to be enforced (Haeck & Nicolosi, 2018). However, in view of guaranteeing respect for the obligation of non-refoulement, diplomatic assurances can fall short when no effective and substantial verification of the human rights conditions of returned individuals is conducted in practice (Haeck & Nicolosi, 2018). Indeed,

> "diplomatic assured returns do not contain any mechanism that can enable the sending state to continue monitoring once the assurance is issued, thus leaving space for their extensive criticism by the UN High Commissioner for Human Rights, UN Special Rapporteur on Torture, and numerous human rights organizations" (Čučković & Vučić, 2024:214).

The absence of an effective monitoring mechanism to determine the concrete impact of diplomatic assurances for return demonstrates a gap between the assurances given and their effect on individual rights and exposure to grave risks (Giuffré, 2017:80).

A particularly alarming example in our research was shared by an AVRR practitioner[9] who recounted the case of a person who, upon return from the EU, was detained and ultimately sentenced to death. Despite efforts by local advocates and the involvement of foreign embassies to intervene and prevent the execution, the individual was nonetheless executed (Patteri, 2024:11). This case underscores not only the severity of the risk but also the systemic failure to intervene and redress returnees' situations, thereby creating opportunities for structured dialogue between return implementers and third-country authorities, even before return. Indeed, in this specific situation, the expert interviewed reflected on the lack of monitoring and the limits of facilitating such returns in a fully responsible manner, given the lack of full cooperation from local authorities in the case.

Additionally, post-return "safety" risks include everyday security in the hands of authorities who, in principle, are responsible for protecting the rights of returnees, but instead may themselves commit violations, or may not adequately protect an individual from criminal networks. A returned person may also be at risk of arbitrary detention or disappearance, physical or psychological violence, including violence from family members, against which they will not find protection from the authorities. In such situations, and in light of prevailing human rights conditions and documented abuses, such assurances may be insufficient. For instance,

[8] See findings from the project: Tracing Syrian Refugee Return Dynamics across South/North Divides, 01.01.2023 - 31.12.2024.
[9] The AVRR practitioner was interviewed in the context of Task 7.3 of the FAiR Project.

even though this information is not disclosed by returning states, for those who submitted asylum applications in the EU, the risk of retaliation by local authorities could increase due to perceived disloyalty and betrayal toward their country of origin (Patteri, 2024). Awareness also needs to be raised regarding specific countries in which laws criminalise illegal exit and impose harsh penalties, and those in which state practices create heightened risks post-return (Alpes et al., 2015).

C. *Follow-Up Mechanisms for Targeted Vulnerable Returnees Identified Before Return (With or Without EU Asylum Claims)*

The EU Return Handbook (2017) provides a definition of vulnerable persons and returnees' profiles – extending the meaning of Article 3(9) of the RD – which includes: "Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence". The return of families with children can also pose vulnerability concerns, as the best interest of the child assessment, which should play a central role in return decisions, often contrasts with the developmental needs and rights of returned children (Zijlstra et al., 2022). To the enumerated returnees' profiles are also to be added other specific needs that emerge in the return context, together with an heightened care to be provided for individuals with "special" vulnerabilities that are more at focus in the asylum acquis: "human trafficking or of female genital mutilation, being a person with serious illness or with mental disorders" (Return Handbook, 2017:13). Moreover, returnees may face significant vulnerabilities beyond having engaged with the EU asylum system. Several post-deportation risks are relevant to monitoring even if they do not amount to the level of refoulement (Alpes et al. 2017a:78).

Gender, age, sexual orientation, ethnic minority status, health conditions, extreme poverty, and experiences as survivors of domestic violence, trafficking, or other forms of exploitation and violence can significantly increase the risks individuals face upon return, particularly when re-establishing relationships and reintegrating in the destination country. Deported pregnant women experience specific challenges before and after the delivery, in addition to possibly facing separation from their partner who remained in the EU: "deportation tears apart family members" (Alpes & Sørensen, 2016). Access to public health services for people with disabilities and to psychological provisions is an important post-return factor (even when the principle of non-refoulement is respected). Individuals may have immediate mental and physical care needs to address after arrival, while having health-related issues of various kinds. Rehab paths in countries of return for individuals experiencing severe addictions, and leading to further mental health harms upon their return, are not envisioned (Patteri, 2024). Restricted access to even basic services further puts returnees at risk of largely unmonitored human rights violations, thereby increasing their vulnerabilities and exposing them to structural protection gaps after return.[10] Indeed, migrants (or returnees) are not inherently vulnerable or lacking agency, but rather "their vulnerability to human rights violations is the result of multiple and intersecting forms of discrimination, inequality and structural and societal dynamics that lead to diminished and unequal levels of power and enjoyment of rights" (OHCHR, 2018).

Individual assessments are conducted by return implementers, such as the IOM, in other circumstances, with return protocols that envisage pre-return safety assessments, especially for vulnerable returnees (González Morales, 2021). In the context of AVRR programs implementation, the IOM conducts structured pre-return need and vulnerability risk assessments. If the rapid vulnerability assessment carried out by the organisation before return reveals potential vulnerabilities, a follow-up screening is envisaged for migrants vulnerable to violence, exploitation and abuse. These assessments are designed to evaluate not only personal characteristics but also situational risks upon return. They cover a range of dimensions, including health status, family and social dynamics, protection needs, and psychosocial conditions, thereby ensuring a *do-no-harm* approach. Pre-return

[10] A recent study (2023) conducted by IOM, Samuel Hall and the African Centre for Migration and Society at the University of the Witwatersrand in South Africa, pinpointed the additional barriers to health care access – in respect to the general population – faced by returnees in Brazil, Ethiopia, Gambia, Georgia, Pakistan, and Senegal. The study revealed that due to this, all returnees engaged in the study faced health problems that were unaddressed, with greater risks experienced by female returnees, forcibly removed returnees, and for returnees who spent at least six months abroad before returning.

assessments guide decisions about return feasibility and protection planning, while post-return evaluations help shape individualised reintegration support and monitor evolving needs. While reintegration challenges are assessed through AVRR monitoring, as we will see below, these often stem from the denial or violation of human rights. In particular cases, post-return outcomes for certain returnees' profiles should be followed up with targeted monitoring. Notably, such a vulnerability assessment is not properly conducted in forced return procedures, which, in themselves, add another layer of hardship upon return (IOM & Samuel Hall, 2023).

Indeed, despite the implementation of risk and vulnerability assessments in the EU, pre-existing vulnerabilities may be exacerbated by the very same or similar threats, hardships, and hostile conditions that initially prompted individuals to leave for Europe (Vera Larrucea et al., 2021:152). The process of return itself can generate new vulnerabilities, particularly for certain migrant profiles facing critical challenges due to the risks faced by people returned to places they have not lived before or sites where they had traumatic experiences, in addition to the need to ensure care for pre-existing health conditions and continuity of medical treatment. The effects of long-term pre-removal detention in host countries and the impact of return for long-term stayers in Europe should also be taken into account (Alpes & Majcher, 2020). Another sphere of vulnerability might concern the experience of victimisation, especially for those who were exploited in the sex industry by human traffickers (Ramaj 2023). In other words, despite pre-departure individual vulnerability assessments and ongoing evaluations of the contexts of third countries, returnees may face new or heightened risks.

The recognition, prevention, and minimisation of risks to vulnerable returnees are closely linked to the effective protection of their human rights upon their return to specific settings. In line with in-depth assessments of individual circumstances carried out pre-return, specific returnees' profiles needing target follow-up monitoring could be (not exclusively):

- ✓ Minors and especially unaccompanied minors,
- ✓ Persons with serious illness, health needs and/or with addiction issues or with disabilities,
- ✓ Pregnant women, single parents and individuals experiencing family separation,
- ✓ Survivors of intersecting forms of violence, domestic abuse and human trafficking,
- ✓ Returnees with diverse Sexual Orientation, Gender Identity, Expression, and Sex Characteristics (SOGIESC).

Overall, evidence gathered through desk research, fieldwork, and country-specific analyses presented in the Annexes highlights particular concerns regarding the situation of vulnerable individuals after return, including those with protection needs, health conditions, or other factors that may increase their exposure to harm. **Importantly, all three priority areas for monitoring addressed above are closely linked to pre-return procedures, including asylum decisions, diplomatic assurances, and vulnerability and risk assessments.** Post-return monitoring can therefore help assess whether the assumptions and safeguards underpinning return decisions remain valid in practice. Monitoring priorities should also reflect the political, legal, and socio-economic context of countries of return (*see Annexes for detailed guidance*).

2.3 REINTEGRATION MONITORING: ITS SCOPE, FOCUS AND TOOLS

While returning states usually do not comprehensively monitor what happens to returnees post-return, with a specific focus on their human rights situations, they conduct very valuable work through their reintegration partners and EU initiatives, including financial and reintegration monitoring. Reintegration monitoring evaluates the progress of reintegration initiatives, often using sustainability indicators. Available evaluations of the added reintegration component of AVRR programs primarily focus on quantitative data such as the number of returns or provisions delivered (Schweitzer, 2022), with policy-makers mainly concerned with reintegration as a permanent return to avoid re-emigration, rather than post-return risks and conditions of returnees (Scalettaris & Gubert, 2019).

Migrant reintegration is typically associated with individuals returning "voluntarily" through AVRR programs. AVRR programs are based on individual reintegration plans, with benefits including in-cash and in-kind

support for income-generating activities, training, temporary accommodation, medical care, other services, and material assistance. Access to reintegration packages is largely available to eligible beneficiaries, as AVRR schemes are often limited to certain nationalities or conditional on pre-departure vulnerability assessments. The EU increasingly invests in assisted programs on the basis that "forced return also come with a greater human toll and can strain relations with partner countries" (Le Coz, 2021). Nevertheless, AVRR-based returns remain limited, with sharp differences among European countries in the execution and reintegration assistance packages they provide (Dennison, 2023; Patteri, 2024).

AVRR programs in the EU are typically implemented by NGOs and the IOM, with support from local partners. Moreover, since 2022, Frontex, under the EU Reintegration Programme (EURP), offers EU-wide provision of reintegration support with packages fully financed by the Agency's budget. While Frontex does not directly implement such programs, local partners in 35 third countries are contracted to deliver post-arrival and post-return reintegration assistance (EC, 2024). Notably, the Frontex-led reintegration program offers assistance to eligible returnees, whether returning "voluntarily" or not, keeping in mind that the forced returns of TCNs from the host country continue to play an important role in migration policy (Majidi & Schuster, 2019).

i) Monitoring tools for reintegration assistance

In the context of monitoring of AVRR programmes outcomes, the European Migration Network (EMN) published Guidelines for Monitoring and Evaluation in 2016 to enhance the evidence base informing EU return policy. All Member States receiving funding for AVRR from the EU are obliged to conduct program monitoring, while local implementing authorities (IOM, NGOs etc.) conduct beneficiary monitoring usually for 3/6 and up to 12 months upon return (EMN, 2016:4).

The EMN defines monitoring as follows:

> Monitoring aims to inform programme management decisions, and involves carrying out systematic internal data collection and analysis activities to identify and measure gaps between actual and planned performance. For AVR programmes, the monitoring typically undertaken can be classed as one of two types:
> - *Programme implementation monitoring*: this type of monitoring focusses on how activities are being implemented, the types and numbers of outputs of these activities and their costs;
> - *Beneficiary monitoring*: this type of monitoring focuses on outcomes for the returnee (e.g. the extent to which they return, their well-being and the extent of their reintegration on return) (EMN, 2016:3).

According to the EMN Guidelines, while beneficiary monitoring touches on returnees' experiences, the scope of AVRR monitoring is set to measure success and satisfaction of program delivery through indicators such as the number of returnees assisted or post-return employment rates. As such, their focus is on performance metrics rather than on compliance with human rights standards or on improving returnees' human rights. Despite this guidance, the EMN's September 2024 information on Coherent return and reintegration assistance, based on consultations with Member and Observer Countries, reiterated the lack of structured reintegration monitoring frameworks at the EU level. This gap affects standards for evaluating the promotion of "voluntary" return and assistance, with insufficient monitoring data being collected. It is worth noting that, depending on the circumstances, reintegration counsellors and caseworkers in third countries responsible for delivering assistance conduct home visits and assess uptake of individual and community reintegration through follow-up reports and feedback mechanisms. However, reintegration monitoring and evaluation efforts remain "rudimentary" for many AVRR projects (Le Coz, 2021:18), with a persistent need to advance more comprehensive and safe information-sharing systems between origin and destination countries.

The IOM developed a Monitoring and Evaluation (M&E) package for activities concerning return and reintegration programs. For instance, IOM has collected data on returnees through initiatives including the EU–IOM Knowledge Management Hub (KMH), which operated from 2017 until the end of 2022 and supported the harmonisation of monitoring and evaluation practices and the analysis of reintegration data. The EU-IOM KMH provided practitioners and policymakers with valuable resources and support, contributing to improving

monitoring functions for the IOM return and reintegration programs (Evaluation Brief, 2022:2). Further, the IOM Monitoring and Evaluation Guidelines (2021) specify details for the organisation's systematic M&E of its interventions, with indicators informed by humanitarian and human rights considerations. The IOM Reintegration Handbook embeds monitoring and evaluation as a crucial part of its reintegration efforts. It's worth noting, though, that reintegration assistance monitoring is not a very prevalent instrument as the number of individuals returned via AVR(R) schemes remains low, reaching about 2.5 per cent of those ordered to leave (Dennison, 2023:18)

Beyond monitoring and evaluation tools developed within the framework of IOM-assisted returns, other international organisations, human rights experts, and NGOs have long engaged in work with the potential to inform reintegration monitoring. In this regard, the work of the United Nations High Commissioner for Refugees (UNHCR) is particularly relevant. For instance, UNHCR Somalia publishes snapshots of post-refugee return monitoring for Somali returnees assisted by UNHCR and its partners. In more detail, by directly interviewing returnees post-return, indicators such as safety and security, discrimination and relationships with host communities, education, household income and livelihoods are addressed, providing a "snapshot" of their post-return trajectories. NGOs routinely produce important reports informing on the life of returnees, such as that of Syrian refugees returning to Syria, addressed by Amnesty International (2021), where the findings showed hindered access for United Nations (UN) agencies and (I)NGOs to conduct monitoring.

ii) EU-Wide Reintegration Monitoring Initiatives

The EU Strategy on Voluntary Return and Reintegration (2021) reiterates that reintegration should be considered an integral part of a common EU return system. In the Strategy, the European Commission makes explicit that the sustainability of reintegration support needs to be tied with its external migration policy which commits to foster ownership of countries of origin as they "are the best placed to create economic and social prospects for their nationals, including returning migrants" (EC, 2021:15). However, the M&E of the quality of reintegration assistance of projects implemented in third countries do not systematically involve them in the validation of frameworks for AVRR projects, therefore limiting their ownership and (possible oversight) of such initiatives (Salgado et al., 2022:30). M&E frameworks are, in fact, the only systematic monitoring mechanisms established to review reintegration assistance, designed primarily for evidence-based programming and, in most cases, tied exclusively to EU and Member States reintegration programs.

In the context of EU policy, the EU framework on return counselling and the Reintegration Assistance Tool, accompanying the Communication on the EU strategy on voluntary return and reintegration, adds that "the EU delegations and the representations of Member States in third countries should ensure a joint and coordinated EU approach in terms of programming, implementation and monitoring of reintegration projects". Evidently, in this Framework, monitoring is defined as assessing the effectiveness of desired outputs, namely, the number of migrants who returned as a result of receiving counselling. Furthermore, the Reintegration Assistance Tool (RIAT) is a restricted, secure digital environment that provides functionalities for return counsellors in Member States and reintegration partners in third countries to support return (both voluntary and forced) and reintegration cases, from planning through delivery of assistance to evaluation. RIAT comprises monitoring guidelines and surveys that enable limited post-arrival monitoring using a standardised questionnaire, completed by the reintegration service provider after a face-to-face (or online) interview with the returnee. The questionnaire asks about the quality and usefulness of the support provided, as well as the migrant's well-being. In practical terms, how the "wellbeing of the migrant" is assessed remains vague, with limited space for external monitoring. Moreover, no human rights indicators or rights-based checklists are part of RIAT's core functionality.

More recently, Frontex, under the EURP, has set a dedicated Evaluation and Monitoring Framework (EMF). Largely, monitoring post-return under the EURP is conducted to audit and review interventions (Patteri, 2024). The EMF aims to provide evidence-based assessment of the quality of the EURP performance. The EMF comprises three main elements: 1) *Monitoring*: consists of continuous data collection to create evidence for policymaking comprising four types of monitoring tools: qualitative data gathered from RIAT; qualitative data

based on surveys; qualitative data gathered through monitoring missions and visits on the spot; and risk related data; 2) *Evaluation*: which assesses the EURP performance thanks to the range of data provided through monitoring and set against key performance indicators (KPIs); and 3) *Reporting*: consisting of two reports: a) EURP Annual Evaluation Report based on data collected through all the EMF monitoring tools; and b) the RIAT dashboard reports. Overall, the evaluation of post-arrival and post-return assistance contributes to a qualitative assessment of programme performance, including the effective delivery of support to vulnerable returnees.[11]

The FRO is mandated to monitor all activities implemented by Frontex, including forced-return monitoring from the EU, and to provide advice and training on fundamental rights. The FRO plays an independent role within the Agency, and all human rights-related issues of the EURP are overseen by it. Article 110 of the European Border and Coast Guard Regulation (2019/1896) provides that the FRO oversees the Agency compliance with fundamental rights. In practice, FRO monitors (FROMs) are tasked with continuously assessing the rights implications of operational activities, providing advice and assistance, and promoting fundamental rights within the European integrated border management framework. In this context, FROMs conduct visits to locations where operational activities take place, including those related to post-return processes, which fall within their mandate. These periodic missions are intended to more broadly assess the impact of the EURP on returnees' lives. Indeed, periodic monitoring missions to evaluate reintegration project results and beneficiary assistance – including consideration of third countries' approaches to returning migrants – are widely envisaged by EU Member States authorities, (I)NGOs and Frontex. For instance, in October 2024, Frontex reported on its monitoring missions to Morocco, Bangladesh, and Armenia to assess the delivery of reintegration by local partners and "ensure they meet EU standards". In such occasions, FROMs visited relevant premises, met with local reintegration partners, and interviewed returnees. Their contribution to monitoring the effectiveness and performance of the EURP in countries of origin has provided valuable insights into the fundamental rights situation of beneficiaries.[12]

Within the FRO returns team, internal discussions considered how post-return monitoring could be strengthened to improve its effectiveness and impact within existing legal and mandate constraints. However, these discussions have not yet resulted in concrete options or proposals.[13] The FRO issues opinions on Frontex's assistance projects with third countries by assessing fundamental rights challenges and risks with the Consultative Forum on Fundamental Rights, providing for independent expert advice. Although positive steps have been taken, criticism has been raised towards Frontex's development of systems to address human rights violations, often assessed as ineffective in practice (Human Rights Watch, 2021), despite the Agency role and activities growing in third countries as part of the EU's border externalisation strategy (Statewatch, 2025).

Overall, findings gathered through **reintegration monitoring tools have positively impacted the design of programs standards**, contributed to integrate returnees' voices in policy design, which are often otherwise dismissed (Nozarian et al., 2025), and provided evidence to improve reintegration measures at the operational level.

2.4 DISTINGUISHING REINTEGRATION MONITORING FROM POST-RETURN HUMAN RIGHTS MONITORING

While reintegration monitoring has improved the evidence base for return programs, it remains limited in scope and effectiveness. Current tools focus mainly on program uptake and individual well-being but fail to capture the broader human rights impacts of EU return policies. It is clear that, in those tools, a different meaning of the word "monitoring" is used, and that they are rather focused on "evaluation". In the heart of evaluation lies "the systematic assessment of the worth or merit of some object, and the systematic acquisition and assessment of information to provide useful feedback about some object" (Brown et al, 2015: 137). The aim of human rights

[11] Written answers, Frontex-FRO.
[12] Interview Notes, Frontex-FRO.
[13] Ibid.

monitoring highly differs, and it is about "the active collection, verification and immediate use of information to address human rights issues. Human rights monitoring includes gathering information about incidents, observing events (…), visiting sites (…), [and] obtain[ing] information" (OHCHR, 2021: 9). A crucial element of such understood monitoring is the pursuit of remedies and other immediate follow-ups.

Research from the FAiR project (Patteri, 2024) and interviews conducted in Georgia, Iraq, and Nigeria for this report reveal significant gaps, highlighting a legal and practical vacuum in monitoring returnees' human rights situations beyond the scope of reintegration assistance. As a result, these tools are insufficient for comprehensive post-return human rights oversight due to their:

- ***Narrow Focus of Available Monitoring Instruments***
  Current EU return and reintegration monitoring tools tend to focus on financial reintegration assistance and beneficiary satisfaction surveys. While important, they provide only a partial view of return outcomes. There is insufficient attention to and follow-up on human rights safeguards, such as protection against arbitrary detention, inhuman treatment, and the safety of return.
- ***Complementary Objectives: Reintegration Monitoring vs. Human Rights Monitoring***
  Reintegration monitoring and post-return human rights monitoring serve distinct but complementary purposes. It is important to emphasise that their complementary objectives (as both types of monitoring) could enhance the depth of findings and interventions. Reintegration monitoring generally assesses the effectiveness of assistance measures (e.g., livelihood support, housing, or psychosocial services) and focuses on individual and community-level outcomes. In contrast, human rights monitoring examines the specific human rights conditions to which returnees may be exposed upon return and the potential violations. In support of the implementation of the GMC, the Working Group on Return and Reintegration (2021) provided a practical checklist to guide States and other relevant stakeholders in assessing whether returns are safe and dignified and whether reintegration is sustainable. Among other key aspects, recommendations for post-return and reintegration monitoring are presented as follows (retrieved from United Nations Network on Migration, 2021:30):
  - **"*Multidisciplinary and independent mechanisms*** are in place for independent and impartial post-return monitoring of the impact of return on migrants' lives and respect for their human rights in the short, medium- and long-term, including their personal safety, economic empowerment, inclusion and social cohesion, and the reintegration assistance they receive.
  - ***Local governments, social partners, returnee organizations, the private sector and other stakeholders*** are included in the design, implementation and monitoring of reintegration assistance (including of its effects on development).
  - ***Accountability mechanisms*** are available to report abuses confidentially – in a child-sensitive, age and culturally appropriate manner.
  - ***Accurate and disaggregated data*** is collected and utilized, in full respect of migrants' rights to privacy and personal data protection, as a basis for the review and adaptation of existing policies and the design of new evidence-based policies" (United Nations Network on Migration, 2021:30, emphasis added).

- ***Limited Independence in Oversight Mechanisms***
  Many existing reintegration monitoring mechanisms are designed, commissioned, and implemented by the same institutions that organise or fund return operations. While some tools incorporate limited external or third-party reviews, these are often constrained in scope, timeframe, or access. A lack of fully independent, transparent, and rights-based oversight weakens accountability and understanding of the impact of return policies.
- ***Insufficient Involvement of Human Rights Actors***
  Human rights institutions, civil society organisations, and national human rights bodies are not comprehensively engaged in reviewing return and reintegration programmes. Their involvement in post-return monitoring is instead crucial to redress return pathways. The active participation of human

rights actors is essential for the effectiveness of post-return monitoring, particularly for identifying systemic risks and safeguarding vulnerable groups.

- ***Lack of Sustained, Long-Term Monitoring of All Rejected Asylum Seekers and Vulnerable Individuals***

  Monitoring mechanisms are available mostly within the framework of AVRR programs and are often short-term and ad hoc. They typically end after 3/6 or 12 months upon an individual's return and do not capture longer-term reintegration challenges or delayed human rights risks. The absence of structured longitudinal monitoring – especially for those forcibly returned – results in a lack of meaningful data on long-term comprehensive assessment of some specific human rights situations post-return. This undermines both accountability and the broader moral and legal responsibilities of return policies under international human rights law.

Key differences between reintegration and post-return human rights monitoring

ASPECTS	REINTEGRATION MONITORING	POST-RETURN HUMAN RIGHTS MONITORING
Primary Focus	Evaluates the effectiveness and impact of reintegration assistance provided to returnees	Assesses specific human rights conditions of returned migrants
Key Objectives (complementary scope)	• Improve reintegration services and programming • Provide an assessment of the effectiveness of the fund's allocation • Ensure sustainable return and reduce risk of re-migration	• Identify and document potential human rights violations • Provide recommendations to ensure protection and accountability • Assess and eventually prevent further post-return risks
Methodology	• Internal monitoring tools developed by reintegration actors • Often conducted by the same implementing entities	Assessment conducted by independent institutions/observers
Main Actors	• Reintegration service providers • Implementing partners (e.g. IOM, NGOs involved in AVRR)	• Human rights institutions (on national, regional and international levels) • Civil society organisations • Ombudspersons and watchdog bodies
Coverage & Duration	• Targets returnees receiving reintegration assistance (mostly under AVRR programs) • Typically limited to 3/6–12 months post-return	• Includes all returnees with a special focus on the most vulnerable groups, like rejected asylum seekers (regardless of the type of return) and those subject to enforced returns in targeted vulnerable situations • Allows for long-term and more systemic observation and reporting

3. CURRENT APPROACHES AND PATHWAYS FOR BUILDING POST-RETURN HUMAN RIGHTS MONITORING

3.1. TRACING POLICY APPROACHES AND PRACTICES TOWARDS HUMAN RIGHTS POST-RETURN MONITORING

Attempts to conduct post-return human rights monitoring currently rely on evolving approaches, policy discussions and scattered practices, rather than standardised obligations. Molnár (2022) recalls that in the EC 2011 Communication to the Parliament and the Council evaluating the EU Readmission Agreements (Recommendation 15, pp. 13-14), the Commission suggested setting up a post-return monitoring mechanism in countries of return with a view of gathering information about the situation of persons readmitted under the EU Readmission Agreements (EURAs), including the respect for human rights:

> The Commission should consider to launch, with the support of the External Action Service, a pilot project with one of the principal international organisations active in the migration area in a particular third country with which an EURA is in force (e.g. Pakistan or Ukraine), tasking that organisation to monitor the situation of persons readmitted under the EURA and to report back to the respective Joint Readmission Committee. On the basis of an evaluation of this pilot project, and with due regard to human and financial resources available, the Commission could decide to extend such a project to all third countries with which EURAs have been concluded. It could also be further analysed to what extent the monitoring system of forced return as required by the Return Directive may contribute to the "post-return" monitoring in question. (Molnár, 2022:499)

In this evaluation, the EC also cautioned about the practical feasibility of post-return monitoring, due to respect the sovereignty of third countries and the terms through which returnees could cooperate in the process (p.13).

The FRA also reported that in 2010, together with the EU Parliament's approval of the EU-Pakistan Readmission Agreement, the EC committed to implementing post-return monitoring of returnees to Pakistan by gathering information about the circumstances of return of readmitted Pakistani (FRA, 2019:29). By considering this as a promising practice, the Agency indicated that "similar initiatives could be considered in at least those third countries with which the EU has concluded readmission agreements" (FRA, 2019:29). However, further information in regards to this specific initiative seems to be lacking, with an in-depth analysis of the EU External Migration Policy and the Protection of Human Rights (2020:26,27) by the EP mentioning that the commitments undertaken by the EC in relation to these pilot projects on post-return monitoring did not find concrete implementation.

In the same vein, the Council of the EU (2011:4) rejected the Commission's position set in the report evaluating readmission policy (abovementioned) to envisage external actors participation in Joint Readmission Committees, technical meetings set up to monitor the implementation of EURAs, suggesting that such a recommendation should be considered on a case-by-case basis. The same applied to the proposal that the EURAs include a clause on the temporary suspension of an agreement in the event of a persistent and serious risk of the violation of the human rights of readmitted persons (Molnár, 2022).

In the Resolution of 17 December 2020 on the Implementation Report on the Return Directive, the EP strongly urged the EC:

> *to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned person**s***, where legally and practically possible, with particular attention for vulnerable groups, including unaccompanied minors and families; call[ing] on the Member States to carry out proper handovers of child protection services among national authorities to ensure that returned children are taken care of and have access to national child protection services; highlight[ing] the need to follow up on the reintegration plans of returnees to ensure their effective implementation; call[ing] on the Commission to facilitate the exchange of good practices between the Member States regarding post-return monitoring and to allocate sufficient funding for this purpose (p. 35, emphasis added).

As part of the monitoring mechanisms of the Council of Europe, the mandate of the European Committee for the Prevention of Torture (CPT) has provided for "authoritative monitoring through thorough fact-finding on the ground and precise, impartial reporting on the findings" (Jaeger et al., 2022:49) and for significant standards and safeguards to prevent harmful treatment during return flights (Pirjola, 2019). In addition, the CPT, in its reports on the November 2022 visit to Belgium (p. 11) and the September 2023 visit to Germany (p. 11),

has recommended establishing post-return monitoring to provide an additional safeguard against non-refoulement for persons removed to third countries. The CPT issued the following recommendation to the two individual countries upon monitoring two joint removal operations supported by Frontex by air from Belgium to the Democratic Republic of Congo and from Germany to Pakistan, respectively:

> "The CPT would like to encourage the [Belgian/German] authorities to consider establishing a [system of independent] post-return monitoring mechanism and to collect relevant data and information on whether foreign nationals forced to return to their countries of origin would have been exposed to treatment contrary to Article 3 of the European Convention on Human Rights upon their return. It also encourages the [Belgian/German] authorities to bring this matter to the attention of Frontex and other EU Member States organizing or participating in return operations supported by Frontex".

The responses of Belgium and Germany to this recommendation can provide an overview example of EU Member States' engagement and resistances in regards to post-return monitoring:

> *Belgium*: "There are several UN publications reporting on returnees and the situation in the various countries. These reports are taken into consideration when assessing Article 3 of the ECHR. When the Foreigners Office receives credible and sufficiently precise information reporting mistreatment of a deported person, it initiates monitoring via the diplomatic representation to verify the facts. **It does not seem appropriate to systematize the monitoring of deported persons in their country**" (p. 5, emphasis added).
>
> *Germany:* "According to the relevant provisions of the Residence Act, a person who is seeking protection may, in particular, not be deported if the removal to the destination country constitutes a breach of the European Convention on Human Rights […]. **Any additional systematic monitoring of returnees' well-being in their country of origin is not practicable in Germany's view**. If any facts indicating treatment in violation of the European Convention on Human Rights become known, these are considered as part of the assessment of the situation in the country of origin that is conducted before any deportation" (p. 5, emphasis added).

In the case of Germany, the CPT has favourably recognized that local liaison officers and diplomatic representations can monitor the immediate general conditions of arrivals in countries of return if, for example, medical treatment and follow ups are available in the countries of return, and in some instances – such as for Balkan countries – a representative of the German diplomatic representation could be present upon arrival of the airplane and monitor the handover procedure (CPT, 2024).

Indeed, some consular representatives may be more directly involved when a heightened risk for returnees is identified. For instance, the involvement of consular officers played a pivotal role in the case of a Sri Lankan national who was deported to the country of origin by Swiss authorities in violation of Article 3 of the ECHR. Determinant to this, was a visit of the consular office to the prison, where the detained individual presented signs of ill-treatment and fear. Subsequently, the returnee and his family were relocated back to Switzerland (Petkov et al., 2024; Asylum law database EU, 2017). Despite this case, it should be noted that diplomatic interventions or assurances often do not yield positive outcomes for returned individuals (Patteri, 2024) (*as also addressed in section 2.2, B.*).

The National Prevention Mechanisms (NPMs) established under the United Nations Optional Protocol to the Convention against Torture (OPCAT) are vested with the prerogative to monitor the treatment of migrants during forced deportation flights throughout the deportation process, and until arrival. Interestingly, some EU national monitoring bodies, acting as NPMs, are developing more structured approaches to continue monitoring returnees during the handover phase of return, i.e. post-arrival: this concerns after returnees have passed immigration checks in the country of return (Lepșa-Rogoz et al., 2024:60). Most of the time, in fact, monitors are not allowed to get off the plane, so they miss the stage of post-arrival.[14] Contrary to this, respectively in 2022 and 2023, the Italian National Guarantor for the Rights of Persons Deprived of Liberty signed agreements with its NPM counterparts in Georgia, Albania, and Morocco (n.a.) under the umbrella of the OPCAT. Those countries and their NPMs were chosen as they share the same mandate, referring to the same normative corpus of

[14] Insights collected during fieldwork for task 7.2 of the FAiR project.

international standards and shared prerogatives.[15] These agreements aim to conduct joint monitoring operations and exchange information on the treatment of returnees, ensuring a continuous exchange of good practices among the respective NPMs to respect fundamental rights, including during the period immediately following the handover of returnees to local authorities. One of the objectives of this joint monitoring is to understand what happens in the 24/48h when a person has been returned after landing, and it is, above all, aimed at verifying that the authorities of the destination country do not carry out, for example, retaliatory practices, especially if people have claimed asylum in the EU-Italy, therefore "casting shadows" on the country of origin. This is not a hollow threat, as, for instance, in Tunisia, the law provides penalties for irregular exit, with people possibly undergoing a period of detention with the accusation of criminal conduct (Global Detention Project, 2014: 6). A similar approach is present in Uzbekistan (Article 224 of the Criminal Code of the Republic of Uzbekistan). Thus, the period of immediate return can also be crucial to monitor.

Similarly, there exists also an agreement between the Swiss monitoring body – the Commission for the Prevention of Torture (which also acts as the NPM for the country) – and its counterpart in Kosovo. Whenever possible, the Swiss Commission would inform the NPM in Kosovo of any special flight landing in Pristina and request that they remain "ready" at the airport upon arrival. At that moment, the NPM in Kosovo can report to the Commission whether they observed an immigration officer or a police officer collecting the deportees, and ensure that the deportees have all available contact details and necessary information. However, this form of collaboration is more limited to NPM in the country of return, ensuring that immediate support is provided upon arrival,[16] with current post- handover monitoring initiatives remaining limited to the absence of further long-term mechanisms [*EO_1*].

In other cases, post-return monitoring has been recommended specifically for some returnees' profiles. With respect to returning unaccompanied children, the FRA (2019) argued that monitoring the child reintegration is key to ensuring that child violations do not occur in countries of origin. However, FRA's suggestion almost exclusively ties post-return monitoring with the child's reintegration:

> such follow-up action helps determine the effectiveness of the provision of assistance, the child's experience with the assistance received, and the sustainability of their reintegration process post-return monitoring, *complemented by regular evaluations of the child's situation*, can significantly contribute to sustainable return and re-integration. (FRA, 2019:28; emphasis added)

Similarly, the United Nations Network on Migration (2021:10) suggested that arrangements should be made for medium- to long-term independent monitoring of returning children and families, as well as of all returnees, to ensure that their reintegration is sustainable. More broadly, the UN Network considered that current initiatives of monitoring are limited to pre-return, often failing to document and respond to critical risks faced by returned migrants, therefore recognising that:

> "*There is also a lack of rights-based post-return and reintegration monitoring* to verify, among other concerns, whether officials in countries of return detain returnees, whether they maintain accurate records of returning migrants in accordance with rights to privacy and data protection, as well as whether returnees are able to also access necessary identity documents, have immediate health care needs after arrival, are not deprived of food, clothing and housing, and whether returning children face barriers to accessing education, health and other rights. Multidisciplinary mechanisms are necessary to monitor the situation of returning child migrants, their inclusion in national systems, and the reintegration assistance they receive for a sufficient period of time after their return to ensure their reintegration has been successful and they have continued access to rights and protection". (United Nations Network on Migration, 2021:36; emphasis added)

This is also asserted in the Global Migration Group-OHCHR Guidelines and Principles on the human rights protection of migrants in vulnerable situations (2018).

Additionally, the Report of the Special Rapporteur on the human rights of migrants on a 2035 agenda for facilitating human mobility (2017:9) explicitly sets as a human mobility goal number 3 the necessity to "ensure

[15] Ibid.
[16] Ibid.

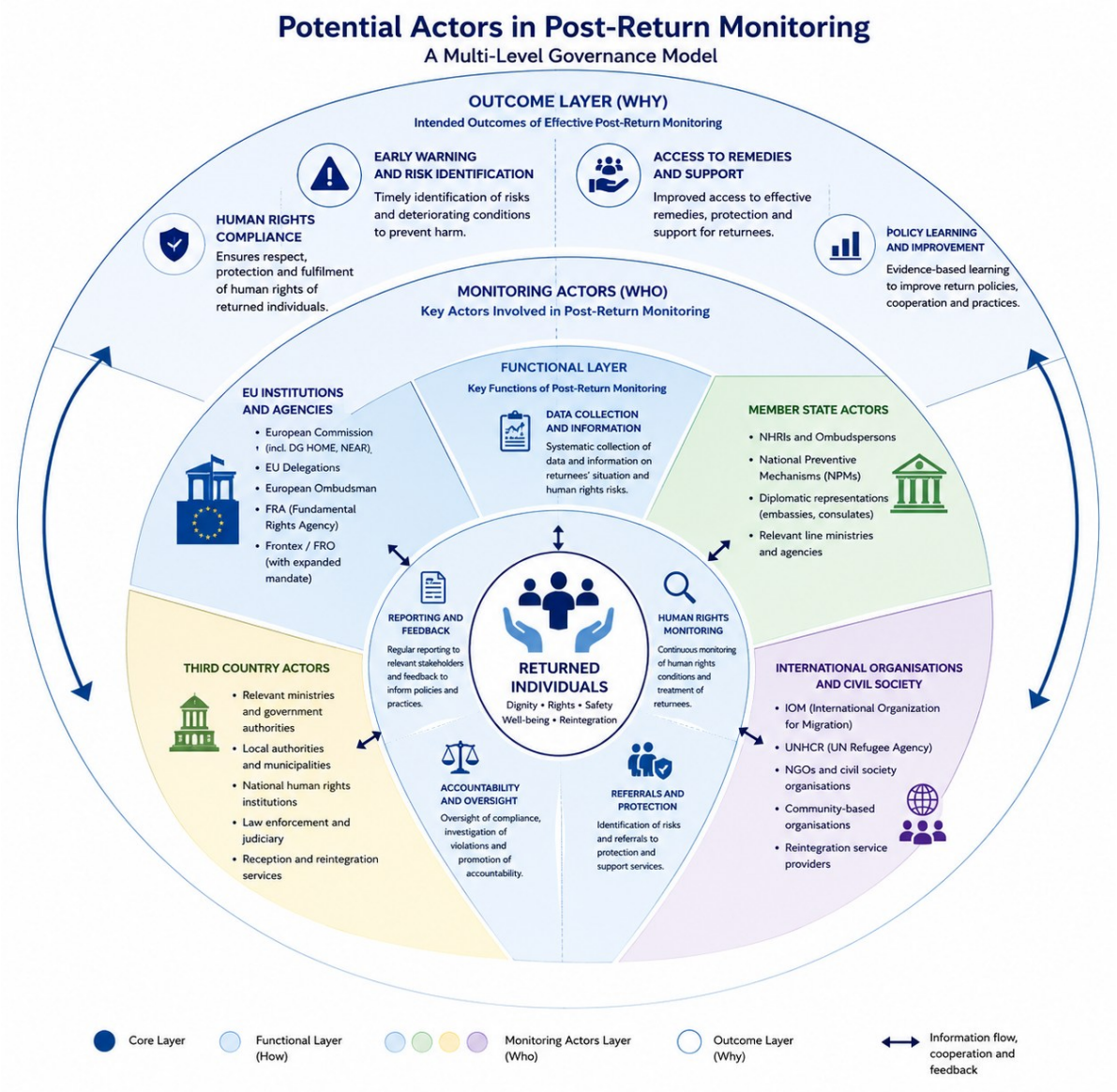
respect for human rights at border controls, including return, readmission and post-return monitoring, and establish accountability mechanisms". In particular, the Report (2017:14) highlights that "[s]tates must not return anyone under a readmission agreement without effective oversight by a post-return human rights monitoring mechanism that verifies whether the human rights of returnees are actually respected". More recently, the OHCHR (2025:4) (at the request of the Human Rights Council and resolution 57/14 on the human rights of migrants) published a study on human rights monitoring in the context of migration, highlighting that monitoring the human rights situations people experience after return is fundamental to assessing their sustainability. Among other key aspects, the report recommends that at the transnational and regional levels (recommendation 63(a), 14), "[s]tates should include human rights monitoring clauses in international or bilateral agreements related to migration or border governance and ensure regular post-implementation monitoring of the human rights implications of ongoing agreements".

Taken together, these and many other fruitful analyses of post-return realities from the EU provide a picture of how monitoring is currently being approached and how it can be followed through with ad hoc interventions (while also recognising the added value of academic research, NGOs, and expert reporting). Nevertheless, **these valuable initiatives cannot be considered exhaustive or a substitute for the establishment of appropriate mechanisms for systematic and effective post-return monitoring.** Moreover, the investigative findings of these works can be more broadly dismissed by authorities because they are deemed to lack value and credibility. As we have seen, one of the most important contributions of these, and many other substantial inputs of this kind, is their active call for renewed attention to formally establishing monitoring to ensure pre-emption, and follow-up regarding the human rights violations that returnees variously encounter.

3.2 DEVELOPING A COMPLEMENTARY EU LEGAL FRAMEWORK ON POST-RETURN MONITORING

In the context of returns in the EU and its Member States, several institutional frameworks offering various monitoring practices exist. At a national level, they include Ombudsperson institutions, National Human Rights Institutions (NHRIs), independent national human rights bodies and National Preventive Mechanisms against torture (NPMs). At the EU level, for instance, the FRO has a specific mandate to conduct and support fundamental rights monitoring, while the European Ombudsman (EO) provides an additional layer of oversight through complaints and own-initiative inquiries concerning the activities of EU institutions, bodies and agencies. The FRA complements these mechanisms through research, evidence gathering and broader assessments of fundamental rights issues across the EU. While these actors provide already an important institutional foundation, effective post-return monitoring requires the involvement of a wider ecosystem of actors operating across different governance levels and a new (expanded) legal framework. A range of actors – including EU institutions and agencies, Member State actors, third-country authorities and human rights bodies, international organisations, and civil society organisations – can contribute to post-return monitoring through complementary mandates, expertise, and operational capacities. The key actors, functions, and intended outcomes of such a multi-level monitoring framework are illustrated in the figure below.

The figure below illustrates a rights-based, multi-level governance model for post-return monitoring centred on returned individuals. It shows how different actors can contribute to key monitoring functions - including data collection, protection, referrals, and accountability – to support human rights compliance, early warning, access to remedies, and policy learning.



Crucially, to strengthen human rights compliance in the implementation of EU return policies, a legal framework mandating post-return monitoring mechanisms is required. This need arises in the absence of a standalone EU legal instrument that systematically requires monitoring of human rights violations and the serious risks faced by returnees after their return. As such, the report identifies several possible points of entry across existing legal instruments through which post-return monitoring obligations could be established or reinforced:

A. **Expanding the limits of EU return law:** Within the framework of the EU Pact on Migration and Asylum and the proposed Return Regulation, no mechanisms for post-return monitoring have been envisaged, despite mounting evidence and recommendations that human rights risks associated with return are due to intensify. As such, this report strongly argues for expanding the scope of EU return law to create space for post-return monitoring. In the absence of systematic post-return data, responsibility, or accountability, EU return policies (which are on the rise and are a focus of the current Commission) lack the empirical and ethical grounding necessary to support morally responsible policymaking. New legislative provisions should therefore be developed – or existing instruments adapted – to explicitly address post-return monitoring, in line with repeated concerns raised in parliamentary non-legislative resolutions, which have highlighted both

the occurrence of human rights violations in the post-return phase and the need for effective monitoring mechanisms (Gnes & Sormunen, 2022:43). The report identifies emerging monitoring-related needs for processes starting within the EU – such as the monitoring of rejected asylum seekers, the use of diplomatic assurances, and risk assessments for vulnerable returnees – and impacting conditions post-return. A dedicated EU-coordinated post-return monitoring framework could be led by the European Ombudsman under an expanded mandate, and supported by the FRA for methodological guidance.

B. **Linking readmission agreements/arrangements to post-return monitoring**: Readmission agreements and arrangements are mechanisms for returning individuals, the operationalisation of which can give rise to human rights abuses. Any readmission agreement or related non-binding arrangement that the EU newly negotiates with a third country needs to include clauses specifically related to post-return monitoring. The same applies to legally-binding agreements negotiated bilaterally by Member States. The EC and third-country signatories to EURAs/arrangements currently monitor their implementation to assess and address obstacles to the smooth readmission of individuals, through annual Joint Readmission Committees (in the case of arrangements, through Joint Working Groups). These monitoring meetings bring together experts and representatives from EU Member States and the third country and are co-chaired by the EC and the third country concerned. Human rights oversight is neither embedded in these agreements nor a core part of these meetings. Through further legislative initiatives under readmission frameworks, as well as enhanced practical cooperation with countries of return, the EC could facilitate the integration of post-return monitoring requirements, subject to clearly defined reporting criteria.

C. **Post-return human rights monitoring under an expanded Frontex mandate:** Frontex, through the FRO, is required to ensure that independent monitors are "present throughout the entire return operation until arrival at the third country of return" (Article 50(3) of the Regulation (EU) 2019/1896). However, "[w]hile Frontex has no say in the decisions handed down by national authorities, it has a positive obligation to prevent refoulement. The 2019 Regulation introduced new references to engagement in 'post-return' activities" (Jones et al., 2020:44). Unfortunately, so far, Frontex has not systematically developed the capacity to conduct post-return monitoring, particularly in relation to the return operations it coordinated. As discussed earlier, its post-return monitoring activities have been largely limited to reintegration monitoring conducted by implementing partners under the EURP, focusing on reviews of assistance delivered, and to sporadic monitoring missions to assess the outcomes of reintegration support.

   The expansion of Frontex's mandate expected for the end of 2026 could create avenues to extend FRO's legal mandate to include more substantial post-return monitoring activities. From a practical perspective, monitoring the initial days following a returnee's arrival in the country of origin – after the Frontex return operation has concluded – could be one option. Such monitoring would allow observers to conduct a *prima facie* assessment of the main challenges and obstacles returnees face upon arrival. However, this approach would require clearly defined monitoring objectives and careful consideration of its added value and feasibility, particularly with regard to the mandate, security constraints, and the informed consent of the individual concerned.[17] In addition to more imminent post-return handover monitoring, FRO could, through a pilot phase, implement projects that test the feasibility and methods of monitoring by leveraging its established cooperation in third countries. This could help assess monitoring methods and identify immediate and long-term risks in the country of arrival.

D. **Complaint mechanism**: One of the central elements of post-return monitoring is the establishment of a complaint mechanism which should be centralised and built at the EU level, but cover all returnees' complaints, regardless of the form of return ("voluntary" or forced), the body which executed the return operation (one of the Member States or Frontex), and the time when violation of human rights occurred (pre-return phase, during the return operation or in post-return realities). This mechanism should be readily accessible to returnees, enabling them to file a complaint online in their preferred language. As OHCHR (2024:14) recommended, the procedure should also be accessible, either through online hearings or in-person hearings conducted in the country of return (for instance, by the consular services of one of the

[17] Interview FRO-Frontex, notes.

member states, but not in the country to which the complaint relates). Additional pathways to support affected individuals in filing complaints should also be considered, such as EU-funded projects that assist returnees at various stages of the process, including legal and psychological support. The mechanism should be introduced within the EU and coordinated at EU level, for instance as part of and expanded mandate of the EU Ombudsperson services. An EU-coordinated post-return monitoring mechanism would, with a complain mechanism that ensures accountability, would help ensure coherence and equal access to monitoring and protection, so that all returnees are treated consistently. Annual reports based on cases evaluated by the mechanism should be published.

E. **Reinforcing reintegration monitoring by integrating human rights monitoring**: As discussed earlier in the report, the most common form of post-return monitoring currently consists of reviewing reintegration assistance delivered within the framework of AVRR programmes. Such reviews are primarily conducted for audit purposes, financial accountability, and programme performance assessments, and relate to both overall programme monitoring and individual beneficiaries of assistance. However, monitoring of beneficiaries in this context does not extend to systematic, human-rights-centred monitoring. Nevertheless, these existing mechanisms are potentially complementary to post-return human rights monitoring and the scope of data collected through RIAT may be broaden and provide a practical starting point for human rights considerations into existing monitoring frameworks. Given that all Member States receiving EU funding for AVRR programmes are obliged to conduct programme monitoring (EMN, 2016), this obligation could be expanded – particularly through linkage to EU financial resources – to incorporate post-return human rights assessments more consistently through systematic follow-ups of individual cases and safe data exchange. Such reinforced monitoring should be conducted with the informed consent of the individual concerned, as engaging returnees in post-return monitoring activities presents challenges, including resource constraints and the risk that returnees may perceive monitoring as a tool of control rather than protection.

F. **From post-return handover and sporadic oversight, to consistent monitoring by local human rights entities and organisations**: Currently, 96 States are parties to the OPCAT, which mandates the establishment of NPMs at the domestic level to monitor compliance with the UN Convention against Torture. Of these, 25 out of 27 EU Member States have designated NPMs. NPMs are required to operate independently from state authorities and exercise a mandate within national jurisdiction. However, as illustrated by earlier examples discussed in this report (*see section 3.1*), their activities may, in certain cases, extend beyond national borders, including to countries of return, through bilateral cooperation arrangements and exchange of information with counterpart monitoring bodies. These practices underscore the importance of strengthening links between human rights bodies and organisations in countries of return in order to ensure continuity between pre-return and post-return processes. At the same time, such practices remain sporadic and are constrained by significant limitations, particularly their short temporal scope and limited overall monitoring capacity. Ultimately, they highlight a fertile terrain for the emergence and consolidation of cooperation among monitoring entities and initiatives.

Similarly, UNHCR initiatives, ad hoc projects implemented by organisations such as the IOM, UNHCR, and local actors, as well as academic research, have only partially mitigated the absence of systematic post-return monitoring, as evidenced by their findings. On this account, more constructive, structured, and sustained cooperation should be established between human rights organisations and relevant entities, particularly those located in third countries that already hold oversight mandates over returnees, or whose mandates could be formally established.

As suggested earlier in this section, from a legal perspective, such cooperation could be achieved by embedding post-return monitoring obligations within EU readmission frameworks and return legislation mandating responsibility to independent institutions/NGOs, but also by formally structuring and expanding the mandates of EU oversight bodies in relation to their collaboration with human rights entities and organisations in third countries. Such cooperation requirements could be linked to EU funding instruments and international human rights obligations from which post-return human rights monitoring will derive. Human Rights NGOs/CSOs and migrants' rights networks in countries of return are extremely important. These actors could play a central role in post-return monitoring by undertaking community-based follow-up,

documenting human rights risks and violations, and facilitating returnees' access to legal, social, and protection mechanisms, particularly where state oversight is weak or absent. Crucially, their grassroots presence in countries of return enables early identification of rights-related risks and allows for sustained engagement with returnees over time.

G. **Closer cooperation with international organisations**: International organisations, especially UN treaty bodies and regional human rights institutions, should be a part of the answer and should be included in post-return monitoring activities. The EU should identify entities that already have monitoring as part of their mandate (even if this is partial and covers only some elements of the post-monitoring spectrum), collaborate with them, and work to strengthen their position (including by allocating additional funds to support such organisations). We are referring here to a broad scope of international institutions: those with their primary mandate being to monitor human rights violations (like CPT, SPT, NPMs, but also UN special rapporteurs), those which rely on a human rights overview where countries submit their reports (most of the committees established with the UN), and those accepting individual complaints (ECtHR, African Court on Human and Peoples' Rights, Inter-American Court of Human Rights, etc.).

   As an overarching actor delivering AVRR reintegration assistance in third countries, IOM's role in third countries could be beneficial for the collection of operational data, local oversight and referral mechanisms. The IOM has established comprehensive monitoring tools to review assistance and improve programming. UNHCR already conducts important post-return monitoring activities for wider returns through its survey reports in dedicated third countries (i.e., in addition to Somalia mentioned earlier, also, for instance, in Afghanistan). By analysing datasets, UNHCR survey findings and protection monitoring activities are complemented by dedicated home visits and referrals to available services (e.g., in returns to Syria). Both IOM and UNHCR, together with their respective monitoring methodologies, could contribute valuable expertise to the development of structured post-return monitoring initiatives.

H. **Regular oversight of the situation in countries of return**: On top of all monitoring practices involved that follow returned individuals, the additional mechanism assessing changing situations in returned countries should be set out at the EU level. Periodical reports evaluating post-return realities (resembling information of countries of origin created to help assess asylum seekers' claims) should be published and made available to all Member States. They should also be informed by the findings from the complaint mechanism discussed above. FRA can be tasked to perform such a role, supported by EUAA and its COI Information unit.

Finally, **it should be emphasised that post-return monitoring will not and cannot be unified across different jurisdictions**. It can and should share several denominators and be unified at the EU level, but it must also take into account local contexts in countries of return, as well as the opportunities and challenges that exist there. The more unstable and undemocratic the country of return is, the more difficult it will be to implement an effective post-return human rights monitoring system.

3.3 OPERATIONALISING POST-RETURN MONITORING: AVAILABLE TOOLS AND (NEW) MULTILAYERED MECHANISMS

While the report finds that no systematic post-return monitoring currently exists for returns from the EU, it further identifies *i)* a range of existing approaches and tools that could be leveraged and further developed to support such monitoring; and *ii)* suggests concrete points of entry through which post-return monitoring could be introduced and operationalised.

i) AVAILABLE TOOLS AND APPROACHES

Submitting allegations of torture and other cruel, inhuman or degrading treatment or punishment to the UN Special Rapporteur on Torture (or other UN treaty bodies). The UN Special Rapporteur on Torture operates as a UN Human Rights Council special procedure through which allegations and risks of torture or other ill-treatment can be formally submitted, verified through fact-finding, and raised directly with states by means of confidential

communications and, where justified, public action. While its mandate does not specifically concern return conditions, through country visits and follow-up on post-return cases, this mechanism can enable returnees, NGOs and monitoring actors to submit consent-based, well-documented information, including in urgent situations involving a risk of irreparable harm. Through allegation letters and urgent appeals, the mechanism engages the authorities of countries of return, with cases that could be made public and, therefore, contribute to the identification of systemic post-return risks associated with return and readmission policies. This mechanism adds an independent layer of international scrutiny and follow-up to post-return human rights monitoring. Other notable special procedures of the UN Human Rights Council include thematic mandates and the duties of human rights experts.

Leveraging Post-Return Human Rights Evidence for Accountability and Policy Review: Human rights reports and investigations produced by (I)NGOs, local CSOs, non-EU and EU-based academic researchers play an important complementary role in post-return monitoring by documenting individual experiences after return, identifying patterns of abuse, and generating independent evidence on the human rights impact of return (and reintegration practices). These reports often provide the only systematic insight into post-return treatment and are frequently used to inform advocacy, litigation, and international accountability mechanisms, while also, in some analyses, critically querying returnees.

At the same time, and more critically, the European Asylum and Migration Strategy presented by the EC in January 2026 places increasing emphasis on the digitalisation of asylum and migration procedures, including the use of advanced data tools and artificial intelligence to support the collection and analysis of country-of-origin information (EC, 2026:15). Concerningly, the strategy makes no reference to post-return monitoring, nor to the systematic use of post-return human rights evidence produced by NGOs and academic researchers. As a result, such evidence risks remaining under-integrated unless dedicated safeguards and human-rights-centred monitoring frameworks are explicitly embedded within these emerging digital systems. By contrast, this report identifies a clear need to strengthen the role of (I)NGOs, local CSOs, and non-EU and EU-based academic researchers in producing post-return evidence by developing and adequately funding long-term projects, and by fostering sustained cooperation with grassroots networks of returnees and local residents, in order to create post-return forums that are informed by and feed directly into systematic reporting. Such reports should be presented during public hearings at the EP – Committee on Civil Liberties, Justice and Home Affairs (LIBE), as well as the Subcommittee on Human Rights (DROI).

Reviewing the Frontex Complaint Mechanism: Regulation 2019/1896 (Article 111) establishes a dedicated complaints mechanism within Frontex to ensure accountability for the conduct of the Agency's staff and to address alleged violations of fundamental rights arising in the context of Frontex operational activities (both in respect to their actions and their failure to act). FRO is responsible for handling complaints regarding the Agency's activities (see guide on admissibility of complaints here), and any individual directly affected (on an authorised representative) may submit a complaint within 12 months from the date the alleged fundamental rights violation occurred, was informed/learned about the violation, or in cases where individuals were unable to file a complaint in the concerning past 12-months (Management Board Decision, 19/2022, Article 5(3f)). As a result, the mechanism provides no long-term accountability for Frontex-related return-impacts, as well as responsibilities in the post-return phase, nor does it offer returnees an avenue to raise concerns about their situation upon arrival in the country of return. Consequently, the current complaints mechanism is not actionable for long-term post-return monitoring (despite the possibility for complaints to be "reopened" (Management Board Decision, 19/2022, Article 6(4)), and would require revision to allow for post-return review and systematic accountability – considering also the expanding role of the Agency in return-related activities. On the other hand, the very existence of such a tool makes it both easy to use and to broaden its mandate to the post-return phase. The limitation here is that such a tool is created only for Frontex-led operations and does not cover (as it should) all return operations from the EU (carried out also by EU Member States).

Increase the collection and sharing of reintegration monitoring data: Reintegration monitoring data can inform and strengthen post-return human rights monitoring mechanisms. Post-return data collected as part of

reintegration programmes can also serve to create important operational links between returnees, programme beneficiaries and reintegration organisations, facilitating access to support, referrals and rights-based follow-up.

Advance post-return handover monitoring: Bilateral cooperation agreements between NPMs in sending and receiving countries have enabled limited forms of post-return handover monitoring. In practice, this cooperation is generally confined to the first 24-48 hours following return and therefore does not provide meaningful longer-term follow-up. Nevertheless, these initiatives demonstrate the initial feasibility of structured and institutionalised cross-border cooperation for post-return monitoring.

ii) NEW MECHANISMS AND POWERS

Embedding Human Rights Clauses and Monitoring Mechanisms in EU Readmission Agreements and Arrangements: Current monitoring of the implementation of EURAs and Arrangements focuses on technical meetings chaired by the EU and the third-country counterpart. A recent report issued by the Special Rapporteur on the human rights of migrants on the externalisation of migration governance and its effect on the human rights of migrants (A/80/302) points out the limited scope of Joint Readmission Committees to monitor EURAs, focused on practical readmission cooperation rather than the respect of the human rights of concerned migrants. An important initial step would be to ensure that such monitoring meetings include human rights organisations with direct knowledge of the conditions faced by readmitted individuals, so that they can report on returnees' human rights situation and inform joint assessments, and to integrate a human rights monitoring component into the implementation of readmission agreements and arrangements (Molnár, 2022).

Another crucial step would be to expand such cooperation to include clauses that commit third-country authorities to provide, at a minimum, statistical aggregated information on returnees and return outcomes. Currently, there is no statistical data on the fate of readmitted persons, although, as suggested by Strik (2010:3), such information could address issues such as detention, release, expulsion, and access to asylum in countries of return. However, we need to keep in mind that in the sphere of migration, borders and mobility, such data needs to be treated as "a matter of concern" (Leese et al., 2021) in consideration of the fact that statistics, and the pressure to quantify migration management under set targets more in general, are also used strategically to produce "numerical facts" (Scheel & Ustek-Spilda, 2019). As such, clear safeguards on exchanges-feedback on return outcomes between the EU to third countries need to be in place from the outset, as well as a clear convergence on the scope and type of aggregated data collected. Additionally, Strik (2010:17) suggested that parliamentary delegations from international organisations could conduct monitoring in countries that readmit migrants under readmission agreements. Where credible evidence indicates serious or systemic human rights violations in a country of return, post-return reviews should trigger a suspension of readmissions to that country until proper reassessment and enhanced safeguards are in place.

Establishing (or reinforcing) harmonised post-return complaint mechanisms through EU delegations and NHRIs/ombuds institutions - a rights-based and consent-driven approach to monitoring return procedures: EU Delegations represent the EU in third countries and perform both diplomatic/political and operational functions, including the promotion of EU human rights policy. Each delegation appoints a human rights focal point and serves as a primary point of contact for local NGOs, whose inputs are gathered to inform human rights subcommittee meetings and the drafting of Human Rights and Democracy Country Strategies (EuroMed Rights). These reports draw on field-based experience and the EU's on-the-ground presence, thereby shaping standards for EU foreign policy and interventions (within the third countries' jurisdiction) (European Court of Auditors, 2024:30). As such, EU Delegations could act as key actors in post-return monitoring mechanisms, building in synergy with their already established human rights activities. This would strengthen existing structures and enable more systematic and effective human rights reporting on returned individuals to the EU. Notably, EU Delegations already hold responsibility for monitoring the implementation of EU-funded programmes and projects, providing a strong basis on which such mechanisms could be further developed (EuroMed Rights).

NHRIs, Ombudspersons and NPMs hold national mandates to protect and promote human rights and play a central role in overseeing the implementation of the ECHR. The establishment of post-return monitoring

mechanisms could create more structured and sustained opportunities for cooperation with NHRIs and Ombudspersons in countries of return. Such cooperation is currently limited and would require the expansion or clarification of existing mandates to be effectively operationalised (ENNHRI, 2020).

Complaint mechanisms should be established (or reinforced in existing settings) to enable deportees to access official complaint pathways once they are back in the country of return. The European Ombudsman (EO) discussed this issue with us in the context of efforts to implement the "Madrid declaration".[18] Supported by 17 National Ombudsman – who joined and contributed to this inquiry in Madrid – the EU office reported that as a result of it:

> In our declaration, we proposed that the European Union delegation in the receiving country should help with the submission of a complaint by a deportee about violations of fundamental rights during the return procedure. Another solution, but this depends on the receiving country, could be the submission of a complaint facilitated by a local NGO or even an ombudsman, if this institution exists in the receiving third country and provides for some guarantees of independence. We tried to identify such ombudsmen. We tried to identify if there's NGO which could be somehow understood as being enough independent to help with such complaints. We didn't think at that time about technological ways such complaints via mobile phones. The Madrid declaration also included proposals on how escorts should be identifiable and many other [points] [*EO_1*].

Overall, in our interview with an EO representative, it was emphasised that understanding what happens to people after their return is important, but any post-return monitoring should respect their rights and remain strictly linked to the return process. Returnees should be asked for consent before any follow-up, and monitoring must not extend to their long-term reintegration or private lives. Its purpose should be limited to verifying, within a defined timeframe, that returnees are not penalised or have their human rights violated because of their return. For example, if evidence shows that returnees to a particular country are consistently imprisoned, this would signal a serious warning for the EU and call for a reassessment of returns to that country. Such monitoring could rely on the European External Action Service (EEAS), EU delegations, national embassies, or cooperation with local ombudsmen and credible NGOs [*EO_1*].

The discussed complaint mechanisms should be facilitated at the EU level by involving the EEAS and EU delegations, and embedded in EU Member States' cooperation with national statutory human rights bodies in countries of return. The possibility for returnees to submit complaints should reflect the reality that serious human rights violations may not emerge until sometime after the return process has been completed; for instance, returnees might face intimidation or restricted access to legal support. In addition, complaint mechanisms should include specific and clearly defined pathways for serious violations to trigger effective remedies, as well as enabling the concrete monitoring and verification of diplomatic assurances and commitments made by countries of return regarding the treatment and rights of returned individuals, therefore allowing for appropriate responses when such assurances are not effectively upheld.

Multi-jurisdictional post-return monitoring through cooperation between EU Member States and third-country human rights bodies: Pre-return processes initiated in the EU – such as asylum refusals, the provision of diplomatic assurances, and vulnerability assessments – are usually closely connected to the conditions experienced after return, and therefore require post-return assessment. On this basis, national statutory human rights bodies in EU Member States and in countries of return could jointly conduct monitoring by covering, respectively, the pre-return and post-return phases. Their activities should be coordinated to cover not only the responsibilities of countries of return but also those of the EU and its Member States. While some cases should be followed up individually, others can support the formulation of more general findings to inform EUAA's assessments of safety and human rights situations in countries of return or their specific areas. Similarly, such information should be shared with the EUAA, EU national immigration authorities that evaluate asylum applications or issue return decisions, AVRR providers conducting pre-return vulnerability assessments, and Frontex and FRO. These investigations should go beyond the mere documentation of harm and provide concrete

[18] Unpublished, 2015; Interview EO_1.

follow-up measures, including the possibility of reassessing EU return decisions, suspending further returns to the country concerned in the event of systemic findings, and, where necessary, enabling returnees to seek re-entry to the EU or other forms of protection. In other words, these entities should be endowed with a clear legal mandate to carry out joint post-return monitoring, including the authority to issue recommendations and to contribute to remedies addressing the concrete treatment and rights violations experienced by returnees. Such pathways are essential to ensure that post-return conditions findings inform and function not only as accountability tools, but also as the basis for responding meaningfully to serious and systemic human rights risks.

Ensuring the direct engagement of returnees in the production of post-return information: Returnees and their post-return human rights situations should be placed at the centre of monitoring processes to strengthen their voice and generate detailed, credible, first-hand evidence of their experiences (Nozarian et al., 2025). Monitoring should be based on the prior informed consent of returnees and on clear information about the available monitoring and complaint mechanisms, both before and after return. In line with the findings of this research in countries of return, the purpose and scope of post-return monitoring should be clearly and transparently explained to returnees to avoid perceptions that monitoring is a form of tracking or surveillance intended to affect their future mobility or prospects of re-migration to the EU. The safety of returnees should be prioritised and guaranteed in any circumstance. *As discussed in sections 2.3*, a range of reintegration monitoring tools already exist that directly involve returnees and, in some cases, their communities of return. Building on these practices and existing tools, independent human rights organisations and statutory bodies should further develop post-return monitoring methods – such as surveys, questionnaires, interviews and field visits – to systematically collect first-hand information from returnees. This direct engagement is essential to ensure the reliability, relevance and human-rights focus of post-return monitoring, as well as to duly integrate returnees' voices in such processes (Nozarian et al., 2025). However, it should be recognised that returnees are not always in a position to engage directly in monitoring activities, and that, in such cases, second-hand information gathered through trusted intermediaries should be used to ensure continued protection and oversight.

Exploiting new technologies for digital safe reporting and collection of post-return information: The use of digital tools for post-return human rights monitoring should be accompanied by robust, rights-based data-protection and data-governance safeguards aimed at minimising the risks associated with the collection, processing and cross-border exchange of sensitive information. Such safeguards must apply irrespective of the medium used, and be fully integrated into any digital reporting or monitoring architecture. While the EU is currently advancing the digitalisation of asylum and migration procedures, the potential of digital reporting tools for in the field of international protection and post-return human rights monitoring remains largely unexplored. Secure and interoperable digital channels could enable the safe transmission of alerts, testimonies and monitoring information between independent human rights bodies within the EU and their counterparts in countries of return, thereby facilitating the activation and follow-up of monitoring procedures. In this context, the establishment of protected data-sharing infrastructures – based on strict access controls, encryption, purpose limitation and clear accountability arrangements – would be essential to ensure confidentiality, protect returnees and monitors from retaliation, and preserve the independence of monitoring actors. As Pirjola (2019:378-379) has emphasised, digitally collected information can complement more traditional methods of data collection by enabling more private, decentralised and potentially safer forms of reporting.

Strengthening the scope of monitoring missions: Within the framework of reintegration programmes, sporadic monitoring missions are conducted to assess project performance and delivery, but they only partially address the human rights outcomes of the assistance provided. Overall, there are no institutionalised post-return follow-up missions, which means that reintegration actors involved in EU returns – both local and international – remain the main providers of sustained, field-level follow-up. In light of their operational presence and access in countries of return, these actors could facilitate broader independent scrutiny by enabling delegations of EU-based human rights institutions and the ENNHRIs to conduct monitoring visits in return countries of concern and to produce independent reports annually.

All of the above analyses show that, rather than a single post-return monitoring mechanism, we should consider different, complementary human rights monitoring mechanisms based on multi-actor involvement. These should be highly country-specific and reflect the possibilities available in a given country and jurisdiction, guided by legal and political opportunities. On the other hand, there should be a shared, EU-wide coordinated approach to such monitoring, along with several tools developed at the European level.

ANNEXES: POST-RETURN REALITIES

GEORGIA (ANNEX I)

Nino Tartarashvili

KEY CHALLENGES:

- **Fragmented governance and unclear responsibilities:** No institution has a dedicated mandate for post-return monitoring. Existing coordination mechanisms through the State Commission on Migration Issues facilitate dialogue among stakeholders but do not provide operational monitoring, systematic follow-up, or comprehensive information-sharing on returnees.
- **Political, financial, and conceptual constraints:** Political sensitivities surrounding migration, reliance on donor-funded programmes, and limited sustainable funding hinder the development of monitoring mechanisms. Stakeholders also highlighted the need for a broader shift towards a human rights-based approach that recognises returnees as rights-holders rather than beneficiaries of assistance.
- **Limited local capacity and insufficient information:** Municipalities are often best placed to identify vulnerabilities among returnees, yet they frequently lack the information, resources, and expertise required to provide follow-up support. The absence of comprehensive data on returnees further limits evidence-based interventions and long-term oversight.

KEY OPPORTUNITIES:

- **Expanding the role of independent human rights oversight**: The Public Defender's Office of Georgia could play a central role in post-return monitoring if provided with an appropriate mandate, sufficient resources, and the capacity to conduct follow-up activities.
- **Strengthening coordination and information-sharing**: The State Commission on Migration Issues could serve as a platform for improved coordination, information-sharing, reporting, and the gradual development of a national post-return monitoring framework.
- **Building on local and international expertise**: Municipal social services could contribute to the early identification of vulnerabilities and referrals to support services, while international organisations and European Union actors could provide technical expertise, funding, and capacity-building support.

INTRODUCTION

This country analysis examines the treatment of Georgian nationals upon their return from EU Member States – whether their rights are protected and how post-return monitoring could contribute to identifying, preventing, and addressing human rights violations and risks after return. It draws on **10 anonymised FAiR interviews** *[GE_1–GE_10]* with authorities, human rights actors, EU and international organisations, and CSOs, as well as on policy documents, as well as desk research. Georgia has built a formal migration system, including a national strategy,

a coordination commission, and a state reintegration programme. However, implementation is still mostly administrative. Data on returns is incomplete, responsibilities are spread across different institutions, and local authorities play only a small role. Follow-up usually depends on short-term, donor-funded projects, leaving many gaps and little long-term continuity.

Return to Georgia is a complex social and economic phenomenon shaped by decades of labour mobility, gendered migration patterns, and structural inequalities within the country. Return migration has been a defining feature of Georgia's post-Soviet period, with large-scale emigration beginning in the 1990s and continuing through the 2000s (State Commission on Migration Issues (SCMI), 2020). While statistical data on return is limited, available evidence suggests a continuous flow of returnees from EU Member States through both forced returns under the EU–Georgia Readmission Agreement and assisted or "voluntary" returns supported by EU-funded programmes (Council of the European Union, 2007; IOM, 2021). Yet the lives of returnees remain largely invisible within state systems, partly because existing reintegration programmes do not translate into systematic human-rights monitoring (United Nations Treaty Bodies, n.d.).

While the fieldwork findings primarily reveal shortcomings in reintegration support, they can be considered as a starting point to address broader human rights conditions of post-return. Reintegration assistance – such as small grants, temporary housing, vocational training, and limited medical or psychosocial support – often addresses immediate needs but falls short of tackling deeper structural challenges, including unemployment, poverty, debt, social exclusion, and barriers to healthcare. These findings demonstrate how reintegration difficulties can translate into longer-term vulnerabilities and rights-related concerns, underscoring the need for systematic post-return monitoring that goes beyond assessing reintegration outcomes to examine the human rights conditions experienced by returnees over time. **A key finding is that Georgia lacks a systematic way to monitor human rights after return.** EU-funded projects track only their own beneficiaries, and monitoring stops once funding ends. No national mechanism follows more in depth human rights outcomes of returnees. Still, Georgia has the building blocks needed for such a system: an independent human-rights institution, a coordination platform, and established cooperation with the EU and international actors. A step-by-step approach – clarifying responsibilities, improving data sharing, and involving municipalities and CSOs – could form the basis for a rights-based monitoring mechanism.

LEGAL AND INSTITUTIONAL FRAMEWORK

Since independence in 1991, migration has been a core livelihood strategy for Georgian households. Visa-free travel to the EU (from 2017) facilitated mobility but also increased cases of irregular stay and return (EC, 2017). Georgia's migration governance has evolved significantly over the past decade, shaped by increased mobility toward the European Union, cooperation on returns, and the country's strategic commitment to European integration (State Commission on Migration Issues, 2020; EC, 2017). Georgia's migration governance rests on a set of laws and strategies, most notably the *Law on the Legal Status of Aliens and Stateless Persons* (Government of Georgia, 2014), the *Law on the Public Defender of Georgia* (Government of Georgia, 1996), and the *State Strategy for Migration Management 2021–2030* (State Commission on Migration Issues, 2021). The strategy envisages coherent migration governance, reintegration assistance, and cooperation with the EU. In parallel, the State Reintegration Programme offers modest grants, short-term accommodation, medical referrals, and links to local services (IOM, 2021). The State Reintegration Programme remains the primary national mechanism available to returnees, yet its design illustrates its limitations (IOM, 2021). A returnee may receive a small business grant or up to six nights of shelter in Tbilisi, after which the state's direct involvement typically ends. Eligibility criteria, limited awareness, and bureaucratic requirements mean that many deported migrants never apply for assistance. As one civil-society representative observed, "If someone doesn't request a grant, they simply do not exist in any state system" *[GE_12]*. This invisibility reflects a system focused on short-term administrative outputs rather than on long-term protection of rights.

Georgia is party to all major UN human-rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention against Torture (CAT), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention on the Rights of Persons with Disabilities (CRPD) (UN Treaty Collection, n.d.). These instruments require the state to ensure protection from discrimination, ill-treatment, and social exclusion, including in the post-return context.

Georgia is also party to the European Convention on Human Rights and the (revised) European Social Charter, overseen by Council of Europe bodies (Council of Europe, 2024; European Social Charter). OSCE human-dimension commitments further require participating states to protect migrants' rights and combat discrimination (OSCE, 1990). Although Georgia is not an EU Member State, its migration governance is strongly shaped by EU conditionality under the Visa Liberalisation Action Plan, cooperation with Frontex, and EU-funded reintegration programmes (EC, 2016; Frontex, 2023). However, EU institutions lack mechanisms to monitor returnees' rights after arrival, placing responsibility squarely on Georgian institutions.

Several structural gaps therefore persist:

- no institution with a mandate to monitor rights after return;
- fragmented and incomplete data systems;
- exclusion of municipalities;
- a reactive rather than proactive human-rights institution;
- heavy donor dependence; and
- limited transparency regarding forced returns.

Overall, return governance in Georgia is fragmented across several institutions, with each holding part of the mandate but none responsible for monitoring rights after return (State Commission on Migration Issues, 2020). This fragmentation emerged consistently across interviews. One government respondent explained: "Our responsibility is to help them with services in the beginning. We cannot follow their lives for years" *[GE_8]*. Reintegration support is therefore delivered through a central state structure whose mandate is limited to short-term assistance. As a result, it cannot function as a monitoring institution, despite being the primary point of contact for many returnees immediately after arrival.

The Ministry of Internal Affairs (MIA) handles readmission operations, identity verification, and coordination with EU counterparts under the EU–Georgia Readmission Agreement (Council of the European Union, 2007). It also holds sensitive data on forced returns. However, several actors described a lack of transparency as without such access, human-rights risks associated with return procedures cannot be evaluated:

> "It's mostly those who benefited from reintegration programmes, [the IO], Caritas, etc. It is rather difficult to find those who are not in the programme. It might be only 1/3 of the returnees. That is the difficult part – You cannot identify those people [who are not part of voluntary return programmes]. […] We didn't have access to readmission data. It's only with some agencies in the government. It is the limitation of these surveys" *[GE_4]*.

The Ministry of Foreign Affairs (MFA) contributes to bilateral arrangements and participates in EU-Georgia dialogues on migration, including under the Association Agreement and the Visa Liberalisation Action Plan (EC, 2016). Although strategically important, it does not engage in operational follow-up with returnees nor does it participate in human-rights monitoring. The State Commission on Migration Issues (SCMI) brings together state agencies and international partners, yet interviewees emphasised that coordination is often weak or symbolic.

The Public Defender Office of Georgia is the national human rights institution is the most relevant actor for post-return monitoring under the Georgian legal framework, conducting already oversight of reintegration programmes/outcomes. Its independence and constitutional mandate uniquely position it to oversee the protection of returnees' rights (Government of Georgia, 1996; UNDP, 2023). However, its mandate in the area of return remains reactive rather than proactive, with their recommendations not-mandatory. This reactive model

leaves significant gaps: a) returnees rarely know they can file complaints; b) many fear stigma or distrust institutions; and c) rights violations often emerge gradually rather than as immediate, reportable events. Georgia's national human-rights institution cooperates with international oversight bodies – for example, with Italy's National Preventive Mechanism during certain return-flight monitoring activities – but this collaboration does not extend into domestic post-return follow-up (UNDP, 2023).

While it can be the case that in European countries municipalities play a central role in reintegration and local monitoring due to their proximity to communities and service provision (Council of Europe, 2024), in Georgia municipalities are largely excluded from return governance. Fieldwork highlighted three recurring issues:

1. Municipalities lack information on how many returnees live in their communities.
2. Migration and return are not integrated into local development plans.
3. Political reluctance has increased, limiting cooperation.

As one CSO representative observed: "Local governments don't know how many migrants they have, how many families are suffering because people left, how many children are without parents" *[GE_7]*. Another explained how decentralised engagement has effectively stalled: "Any formal cooperation, even with the local government, is impossible […] city halls and local councils have virtually stopped collaborating or even opening emails" *[GE_12]*. Without local engagement, any post-return human-rights monitoring system remains largely theoretical. This gap is particularly significant given Georgia's binding obligations under international and regional human-rights law.

These gaps explain why reintegration assistance cannot be equated with human-rights monitoring. While Georgia's framework provides initial support, it does not ensure sustained protection of dignity, safety, and equality over time (IOM, 2021). Addressing this gap requires long-term engagement, reliable data, municipal involvement, and an expanded monitoring mandate – forming the core challenge this report seeks to address.

PROFILE OF RETURNEES AND POST-RETURN REALITIES IN GEORGIA

Georgia currently lacks a unified national mechanism for counting returnees, tracking their movements, or assessing post-return conditions. The *Migration Profile of Georgia* repeatedly notes fragmentation and gaps in return-related data (SCMI, 2020; SCMI, 2021). Information on readmitted persons is held by the Ministry of Internal Affairs (MIA), but it is not shared systematically with other institutions due to internal restrictions and the political sensitivity of forced returns (EC, 2016; EC, 2017). Reintegration data – such as grant beneficiaries and short-term assistance – is held separately by the Ministry of Internally Displaced Persons, Labour, Health and Social Affairs (MoHLSA) and its IDP Agency.

In parallel, international organisations such as IOM maintain project-based datasets generated through AVRR programmes, but these are not integrated into national systems and often follow donor reporting requirements rather than state needs (IOM, 2021). No mechanism exists for connecting or verifying these datasets, meaning that returnees not enrolled in programmes become statistically invisible – a finding consistent across international evaluations of Georgia's migration governance (Council of Europe, 2024; OSCE, 1990). As one CSO representative noted, "We have not seen monitoring reports of the State reintegration programme" *[GE_4]*, and the other added that "municipalities are virtually not involved in this process at all" *[GE_12]*. There is also the specific gap regarding state monitoring: Even international organisations are unable to build an accurate picture, because "it is rather difficult to find those who are not in the programme […] we failed to include these people […] we didn't have access to readmission data" *[GE_4]*. This lack of reliable information is not a technical inconvenience but a structural barrier to human-rights protection: without basic data, returnees – especially those forcibly returned or returning in vulnerable conditions – remain invisible to the system, and invisibility makes rights-based monitoring impossible.

Returnees to Georgia are a diverse group, but several patterns recur across interviews. Unemployment remains one of the most persistent challenges. Returnees re-enter a labour market that already suffers from high unemployment and underemployment, especially outside major cities. Many male returnees have worked abroad in physically demanding, low-wage sectors such as construction, agriculture, or transport—a trend widely

documented in regional labour-migration studies (IOM, 2021; SCMI, 2020). Their migration paths are often unstable, marked by irregular employment, lack of documentation, or sudden loss of legal status.

Women constitute a large share of long-term labour migrants, especially those who worked in domestic and caregiving roles in Italy, Greece, France or Türkiye. This gendered migration pattern is consistently reflected in EU and international analyses of Georgian mobility (EC, 2017). These migration histories often involve decades abroad and significant emotional and physical strain. Family dynamics frequently complicate reintegration, particularly for women who spent many years abroad. Long absences often lead to emotional distance, shifting household roles, or altered expectations. Women may return to discover that family members rely on remittances, expect ongoing financial contributions, or pressure them into applying for grants immediately upon return. Return frequently brings renewed unpaid care burdens and limited employment options—issues also highlighted in gender-focused migration studies (Council of Europe, 2022). Age further shapes reintegration outcomes. Older returnees – especially those over 50 – struggle with labour-market reinsertion and face a significant skills mismatch, reflecting broader regional patterns in migrant return (IOM, 2021; SCMI, 2020).

The transition back to Georgia is frequently abrupt and economically destabilising. Many returnees come back with limited savings, accumulated debts, or financial obligations that increase their immediate vulnerability. CSO interviews show how unstable migration trajectories often leave returnees with emotional and financial strain. As one organisation noted, people sometimes return "with mental health, emotional stress or traumas" linked to their experience abroad *[GE_6]*. The situation of deported migrants is particularly precarious. Deportations from the EU frequently occur without preparation or counselling, leaving individuals without savings, housing, or medication. International actors often attempt to mitigate these risks by coordinating reception arrangements. As one IO representative described, in cases involving vulnerable returnees, "we had a couple of cases several years ago, when the person had no money, no family, and the person had psychiatric problems. Based on the IO's do no harm principle, we could not return the person [from the EU]. We had to rent accommodation for this person to stay alone. Because we could take responsibility" *[GE_4]*. Such cases highlight the absence of a comprehensive state-led safety net for forcibly returned people.

Overall, economic insecurity emerges as the dominant factor shaping post-return vulnerabilities. Limited income, lack of employment opportunities, and fragile social support systems combine to make reintegration difficult and to heighten the risk of re-migration. These conditions directly affect returnees' ability to access services, sustain livelihoods, and exercise their human rights.

Housing insecurity is one of the most persistent challenges after return. The state provides a six-night accommodation scheme, but this is widely recognised as insufficient, particularly for vulnerable families. As one CSO representative explained, "There is a temporary accommodation for returnees […] six days of hotel services […]. After 6 days, people have to leave" *[GE_6]*. Access to shelters is limited and uneven across regions, and conditions can be unsafe or unsuitable, especially outside Tbilisi. The same interviewee highlighted that state-run shelters can feel dangerous or overcrowded: "in the shared room, you can find a drugged person, another one strongly stinking […] it's a little bit dangerous, a little bit unpleasant" *[GE_6].*

For many, stigma is another obstacle to reintegration. The interviews consistently describe emotional distress, shame associated with return, and negative community attitudes. For example, CSO workers reported cases where returnees "feel humiliation" or are treated with "aggressive behaviours" upon seeking assistance *[GE_6]*. Another NGO interviewee added that returnees often do not seek help because "they feel shame or think nobody will listen to them" *[GE_3]*. These experiences reflect broader social barriers that discourage returnees – especially women, older adults, and those with mental-health challenges – from seeking help or contacting institutions. Overall, the combination of limited housing provision, strained family relations, and social stigma significantly undermines returnees' ability to stabilise their lives and reintegrate into their communities.

Health concerns emerged in nearly every interview, underscoring the need to integrate health rights into human rights centred monitoring. Physical health issues are common among male returnees who worked in manual labour, often without medical insurance abroad. Long working hours, poor working conditions, and accumulated injuries have long-term effects. According to an IO representative, "almost all the complicated cases we see involve medical needs – follow-up, medication, surgery, rehabilitation" *[GE_4]*. Mental health is an even more pervasive issue. Civil-society actors highlighted that return sometimes follows a decline in health,

depression, trauma or burnout. As one CSO representative explained, "some of them are drug addicted, some of them have aggressive behaviours […]; people return with mental health, emotional stress or traumas" *[GE_6]*. While this is true for everyone, women returning from long-term care work often carry an additional burden, as those roles create emotional strain and physical exhaustion, often involving 24-hour live-in arrangements, limited rest, and high levels of responsibility: "some women return in such a state of exhaustion that they become aggressive or emotionally unstable; they have been isolated for years" *[GE_6].* These cases echo findings from international assessments that migrants returning from strenuous or insecure labour abroad often face cumulative vulnerabilities, including untreated physical and mental-health conditions (IOM, 2021). Moreover, deportation itself can likewise be traumatic, especially when it involves detention, family separation, or stressful returns with no preparation. Georgia's mental health services, underfunded and unevenly distributed across regions, struggle to absorb the needs of returnees. Access to treatment, medication, and counselling often depends on the ability to pay. Without continuous support, health vulnerabilities frequently worsen in the months following return – the very period when no monitoring framework exists.

Returnees' experiences vary widely across regions. Tbilisi and a few large urban centres offer better access to health services, job opportunities, and social support. Rural areas, by contrast, experience higher unemployment, limited medical facilities, weaker municipal engagement, and lower access to social services, the quality of which varies with local resources. A CSO expert noted that "municipalities do not have data, staff, or plans to support returnees; they are completely outside this system" *[GE_12].* Without municipal involvement, any human-rights monitoring system risks being centralised and urban-focused, missing the experiences of returnees in rural areas where vulnerabilities are often greatest.

Reintegration programmes in Georgia offer short-term assistance, but do not address the deeper structural vulnerabilities that shape returnees' lives. The support is usually limited to business grants, case management, or temporary accommodation, and is tied to project cycles rather than long-term rights-based follow-up. Several interviewees highlighted that monitoring within these programmes focuses almost entirely on whether financial assistance was spent "correctly", not on whether returnees' rights were protected. Moreover, because such programs are compliance-oriented, they depend on the voluntary cooperation of the returnee, who must remain in contact with the service provider. This is not always the case, as one CSO worker described: "We explain to them that after the return we have this right to be in touch between 3 and 6 months […], but some of them say: 'No, I don't want to see you or talk to you again'" *[GE_6].*

Fieldwork findings reinforced the understanding that due the fact that reintegration programmes reach only those enrolled in grants, the majority of returnees are left outside any monitoring framework: "we cannot identify those people who are not part of voluntary return programmes" *[GE_4]*. This means that 2/3 of returnees – those who return independently or after deportation – remain completely invisible to reintegration services. A government representative also confirmed that monitoring under the State Reintegration Programme focuses primarily on business support rather than returnees' broader rights: "We have case management […] We have a monitoring of the process, how they develop our support in the business supported. But it's not quite what we want" *[GE_8].* These insights demonstrate that reintegration programmes do not function as human-rights protection tools. Specifically, they do not systematically:

- Assess discrimination in accessing social services,
- Track the well-being of children after return,
- Identify risks of domestic violence or family breakdown,
- Monitor long-term housing stability,
- Evaluate whether psychosocial or medical needs are met.

Instead, they operate as administrative programmes with limited duration and scope. As a result, while reintegration projects can temporarily ease the transition, they cannot replace a rights-based monitoring system capable of identifying violations, vulnerabilities, and long-term barriers to reintegration.

PERCEPTIONS OF HUMAN-RIGHTS VIOLATIONS AND EXTERNAL INFLUENCE IN EU RETURN PROCESSES

Return from the EU to Georgia is not a neutral administrative event. It is shaped by the EU's migration management priorities, the operational logic of deportation systems, and the power asymmetry between sending and receiving states. EU return policies place strong emphasis on efficiency and increasing return rates, particularly since 2015-2016, creating pressure on Member States to prioritise swift removals over individualised safeguards (EC, 2016). What emerges from the fieldwork is a picture of disjointed institutional responsibilities, where EU states manage the removal process, while Georgia becomes responsible for the immediate vulnerabilities that arise afterwards – often without information, coordination, or monitoring tools needed to ensure rights are protected. Across interviews, Georgian stakeholders showed a clear awareness that EU Member States and EU institutions bear significant responsibility for safeguarding rights during return procedures. This responsibility is linked to EU law, fundamental rights standards, and safeguards that must apply throughout the return chain. However, interviewees emphasised that these obligations are often fulfilled only procedurally, not meaningfully.

From Georgia's perspective, the treatment of returnees during EU return procedures – and the EU's responsibilities to safeguard their rights – directly influences post-return outcomes. International monitoring bodies have repeatedly emphasised that forced-return procedures must include medical screening, vulnerability assessment, and information obligations prior to removal (Council of Europe, 2024; CPT Standards). Stakeholders interviewed in Georgia did not focus solely on violations during the return journey itself; what concerned them more were the structural consequences of EU return practices: inadequate preparation, insufficient information, lack of medical screening, and the absence of coordinated handover procedures that would protect returnees' rights in the days and weeks after arrival. These concerns are consistent with evaluations showing gaps in post-return follow-up and limited cooperation between EU states and countries of return (IOM, 2021).

This lack of information transfer from EU Member States leaves Georgian actors without the data needed to anticipate vulnerabilities, assess needs, or prepare adequate support. A civil-society stakeholder highlighted how limited communication from EU partners undermines reintegration efforts: "There is virtually no data available: how many people return? How many stay? What are the challenges they face?" *[GE_12]*. While this quote refers to internal Georgian gaps, it also reflects the structural problem that EU actors do not systematically share information about returnees, leaving Georgian institutions to reconstruct cases from scratch. Stakeholders repeatedly noted cases where individuals arrived without prescriptions, documents, or clarity about their situation, creating significant risks during the first hours and days after return. Another practitioner noted that the absence of coordinated communication means returnees can fall through the cracks: "Sometimes people change their numbers, addresses… We don't have this luxury to go in every place and look for them" *[GE_6].* At the same time, any discussion of data transmission between EU Member States and Georgia must be approached carefully. While receiving adequate information is crucial for Georgia's ability to protect returnees, interviewees also stressed that data sharing cannot occur informally or outside clear legal safeguards, and without permission of the returnee, as this could itself constitute a breach of privacy, dignity, or procedural rights.

Overall, the fieldwork reveal that Georgian stakeholders perceive a structural imbalance. On the one hand, EU Member States prioritise compliance with removal procedures, focusing on operational efficiency and legal closure of cases. On the other hand, Georgia is left to manage the complex social and human consequences of those removals – often without the timely, structured, and rights-compliant information needed to ensure continuity of care or protection. The problem, therefore, is not simply the absence of information, but the absence of established, transparent, human rights-based reporting mechanisms between EU authorities and Georgian institutions. Without formalised channels grounded in data protection standards, accountability safeguards, and clear responsibilities, information flows remain inconsistent, ad-hoc, and dependent on project-based arrangements. This leaves both sides exposed: EU Member States risk violating privacy and fundamental rights through unregulated data sharing, while Georgia is unable to fulfil its own obligations to protect returnees

upon arrival. What emerges is not only a logistical gap but a governance vacuum, in which the human rights of returnees may be compromised at both ends of the return chain.

Across interviews, stakeholders highlighted three structural concerns: insufficient preparation before return, inadequate assessment of vulnerabilities, and weak communication between EU Member States and Georgia. **Interviewees emphasise that return procedures from the EU often take place with limited or no advance notice**. According to a key human rights institution, many returnees report that they do not receive the required 24-hour notification, which would allow them to seek legal aid or lodge a complaint. As one representative explains, "it's very hard to find legal aid […]. They don't often know there is a complaint procedure during the Frontex [operation]" *[GE_5].* The same institution notes repeated complaints that returnees are unable to collect belongings before removal, sometimes even the essential items, do not have documents or savings. Individuals report arriving "without the opportunity to collect their luggage", leading to immediate difficulties upon return to Georgia *[GE_5].* Such abrupt returns do not necessarily involve direct mistreatment but undermine dignity by creating unpredictability and material insecurity.

Interviewees also stress that EU return procedures do not sufficiently consider psychosocial contexts, family situations, or vulnerability after arrival. A representative from the human rights institution explains that people with severe medical and social needs are returned without adequate support: "People with illnesses, health problems. Dangerous cases, because we don't have good healthcare for them […] Medical staff don't have special equipment" *[GE_5].* Housing is also a particularly acute problem. The same institution recounts cases where returnees arrive without any place to stay. These examples illustrate that EU authorities do not systematically evaluate whether returnees have safe living conditions or family support networks upon arrival.

Interviewees frequently point to inconsistent communication between EU Member States and Georgian authorities. One of the experts recalled a case where authorities from a EU Member State justified deportation by citing information allegedly received from Georgian institutions. The returnee reported that the EU x country officials told him he was removed because "the Georgian government provided them with information that housing is not a problem in Georgia and they can provide a house for him" *[GE_5].* This information did not match the reality the individual encountered upon return: he couldn't find a house and filed a complaint. And "when you have no house, no medication, or any aid you need, it's harder to reintegrate." *[GE_5].* Interviewees describe cases where people return to unstable or unsafe family contexts, with no assessment carried out before removal.

Medical needs emerge as one of the central concerns. Georgian institutions routinely receive people requiring urgent or ongoing treatment, and interviewees emphasise that EU removal procedures do not always ensure continuity of care. An IO representative notes that "Some have undergone surgeries, some were diagnosed, some have treatment planned, so it's important when they come back, their treatment plan is implemented. Sometimes they need immediate enrolment in different institutions. We make sure this happens" *[GE_4].* CSOs also emphasise that individuals often return with psychosocial vulnerabilities; one notes that "People return with mental health issues and traumas, with little/none support from the government" *[GE_6].* This mistrust and emotional strain may hinder returnees' engagement with support services. Stakeholders observe that individuals who experience abrupt detention or opaque procedures abroad may be less willing to seek assistance in Georgia, thereby increasing the risk of social exclusion and re-emigration.

An IO representative explained that returns – whether conducted by Frontex or by individual Member States – require careful preparation when medical needs are involved. They highlight that some removals are postponed for months because safe travel requires escorts or special equipment, illustrating how dependent the process is on proper planning:

> "if you don't arrange this return operation with medical personnel or ambulance support […] Escort, medical escort […], without medical personnel, some have this oxygen conditioner, some of them have surgeries, or they need treatment here. And that's why they cannot travel without special medical conditions or doctors' planning" *[GE_4].*

While medical cases require coordination, most returnees arrive without prior notification to Georgian institutions, leaving authorities unaware of their detention history, family circumstances or psychosocial needs.

Interviewees describe Frontex-coordinated return operations as generally more structured compared to national removals, but they also emphasise that significant information gaps remain, notably that Georgian authorities receive limited details about the circumstances of removal, the person's situation before the flight, or their vulnerabilities. Frontex has no mandate to address human rights monitoring after the handover phase. The mandate of the Public Defender's Office begins only once Georgian police take effective control (even though its activities mostly concern the monitoring of how reintegration programs are implemented in practice by issuing annual or special reports). On the one hand, the Office can observe only the handover phase on Georgian territory and therefore cannot oversee what happens prior to this point. On the other, EU actors, including Frontex, do not remain responsible for post-arrival conditions. This means that any vulnerabilities created during EU detention, pre-removal, or the flight phase – lack of medication, psychological distress, missing belongings – immediately become the responsibility of Georgian institutions without transitional support. As a result, even when Frontex-coordinated flights are more standardised, **rights risks persist** because:

- Georgian authorities receive limited pre-arrival information.
- Vulnerable individuals may arrive without preparation or adequate handover.
- EU operational responsibility ends at the airport door, while consequences of the return procedure continue well into the reintegration phase.

Stakeholders emphasise that the protection of human rights in return procedures requires shared responsibility between EU Member States and Georgia. Because EU decisions create vulnerabilities that unfold after arrival, respondents argue that both sides must coordinate on preparation, information sharing, and reintegration support. The EU representation interviewed also expresses interest in post-return outcomes but acknowledges having no systematic information on what happens to people after removal *[GE_11].* This gap reinforces the need for joint monitoring and safe exchange of data. Overall, respondents stress that without shared accountability (both before and after return) rights remain insufficiently protected. Stakeholders in Georgia perceive EU return procedures as formally compliant with standards during removal, yet insufficient with respect to human-rights safeguards that extend beyond the point of handover. The EU's operational focus on return efficiency leaves many vulnerabilities unaddressed, while Georgia lacks the institutional tools to address them in a rights-based manner.

EXISTING POST-RETURN HUMAN RIGHTS MONITORING PRACTICES IN GEORGIA

Georgia's current approach to return is shaped by a tension. On the one hand, the country has been praised for its cooperation with EU Member States on readmission and for maintaining one of the more functional readmission cooperation records among EU partner countries (EC, 2016; Council of the European Union, 2007). Georgia is also recognised for implementing a reintegration programme aligned with EU-funded return assistance and for its active institutional engagement through the State Commission on Migration Issues (SCMI), which has been repeatedly highlighted as a strong coordination platform in regional assessments (SCMI, 2020; SCMI, 2021). On the other hand, besides reintegration monitoring activities, Georgia lacks any form of systematic post-return human rights monitoring. This gap is consistently noted in international evaluations of Georgia's migration governance, which emphasise the absence of long-term follow-up mechanisms, limited data exchange between institutions, and a heavy reliance on short-term donor-funded assistance (IOM, 2021; Council of Europe, 2024). The absence of such a system is not accidental: it stems from the structure of national institutions, which are oriented toward administrative reintegration rather than rights monitoring; from the logic of donor-funded reintegration programmes that prioritise measurable outputs over long-term outcomes; and from political sensitivities surrounding migration governance, which discourage deeper scrutiny of post-return conditions (EC, 2017; United Nations Treaty Bodies, n.d.).

Fieldwork findings indicate that this legal infrastructure does not translate into rights-based protection in practice. As one interviewee noted, the system's functionality depends heavily on donor-funded projects: "when a project ends, the service ends with it" *[GE_4].* As a result, although laws and programmes exist formally,

support for returnees is often unstable and discontinuous. The distinction between reintegration assistance and post-return human-rights monitoring is therefore crucial. Reintegration assistance, as currently practised, is short-term and transactional, intended to support returnees in the initial days or weeks after arrival (IOM, 2021). It does not involve tracking rights over time, identifying violations, or assessing longer-term outcomes. Rights-based monitoring, by contrast, would require sustained oversight of returnees' human-rights risks and access to mechanisms for redress, in line with international standards (United Nations Treaty Collection, n.d; Council of Europe, 2024). Such monitoring would also require independence, transparency, and engagement with international mechanisms. At present, these elements are largely absent from Georgia's return governance architecture. Reintegration is selective, while rights apply to all returnees; reintegration is measured by outputs such as grants disbursed, whereas a rights-based approach would focus on accountability and protection.

Interviews, therefore, reveal the need to move from administrative counting to rights-based monitoring. Human-rights monitoring after return is essential for accountability, policy learning, and safeguarding rights in practice, in line with Georgia's obligations under core UN and Council of Europe instruments (UN Treaty Collection, n.d.; Council of Europe, 2024). IOM plays a central role in reintegration assistance, especially for people returning through assisted-voluntary-return programmes. Its monitoring is systematic but limited to programme beneficiaries; thus, although methodologically strong, it captures only a small fraction of return experiences. All international organisations face similar constraints. This is significant because most returnees never access reintegration assistance – whether due to lack of information, eligibility barriers, or distrust of institutions. As a result, their rights, challenges, and vulnerabilities remain undocumented. Taken together, the evidence shows that the current monitoring system is fragmented, selective, and incomplete, even before considering what a genuine human-rights monitoring framework would require.

MoHLSA, through the IDP Agency, is the key actor responsible for reintegration assistance. Its monitoring is limited to beneficiaries of state grants and does not extend to long-term human-rights follow-up. The Ministry has yet to develop indicators to measure reintegration. The Ministry's role is therefore primarily operational – providing assistance – not conducting rights-based evaluation over time. A government representative noted that "there is no law requiring us to follow returnees after they receive initial services; our programmes end there" *[GE_8].* The MIA manages readmissions and forced returns and holds essential data on who is returned and under what conditions. Several stakeholders underline that access to this data is restricted. This lack of transparency limits the ability of civil society, researchers, and the Public Defender to understand return patterns or monitor rights risks.

Municipalities are closest to returnees' daily realities, yet they play almost no role in return governance. Because most human-rights issues – housing, healthcare access, discrimination, family conflict – arise at the local level, this absence creates structural blind spots. At the national level, the only body with a formal human-rights protection mandate is the Public Defender's Office, which engages with returnees primarily through complaint-based mechanisms. Although this national body participates in a joint monitoring arrangement with its Italian European counterpart (*as addressed in section 3.1 of the report*), the cooperation covers only the handover moment upon arrival in Georgia, not the weeks, months, or years after return when most rights risks actually emerge. As a result, current monitoring remains fragmented and incomplete, leaving significant protection gaps for returnees.

Local NGOs fill critical gaps in emergency support, such as providing shelter, basic needs, or follow-up contact. However, their involvement is highly fragile, depending on project funding and returnees' willingness to remain reachable. One worker stressed how challenging this is: "Some of them change the numbers, addresses… sometimes they call the police saying '[x organisation] is looking for me'" *[GE_6].* These organisations often remain the only actors trying to maintain contact, but they cannot sustain monitoring once funding cycles end.

EU institutions do not conduct systematic post-return monitoring. An EU Member State representative underlined this gap clearly, expressing a desire for more information about what happens after people return, but acknowledging that "there is little evidence associated with returnees once back in Georgia" *[GE_11].* This lack of EU engagement contributes to the broader monitoring vacuum and leaves Georgian actors alone in attempting to understand post-return outcomes.

In our interviews, stakeholders uniformly agreed that reintegration monitoring alone is incapable of fulfilling a human-rights function. Three limitations stand out:
(1) *Time limitation*: Reintegration monitoring typically lasts three to six months. Human-rights risks, however, often emerge after this period—especially regarding housing, debt, discrimination, and mental health.
(2) *Exclusion of non-beneficiaries*: Most returnees do not appear in any reintegration programme. They include: deported migrants; those unaware of their rights; individuals without documentation; and people who mistrust institutions. These groups often face the most severe human-rights risks.
(3) *Absence of rights-based indicators*: Reintegration assessments track administrative outputs, not human-rights outcomes.

One CSO representative observed that "reintegration is counted in numbers, not in dignity" [GE_3]. The difference between administrative success and human-rights protection is profound. Stakeholders identified several obstacles that help explain why Georgia has no post-return monitoring system. Human-rights monitoring requires acknowledging failures, vulnerabilities, and institutional weaknesses. A civil-society representative suggested that "the government would prefer monitoring not to exist rather than have problems become visible" *[GE_12].* This perception reflects broader political sensitivities around migration. Data and responsibilities are split between ministries. No institution is mandated – or willing – to take ownership of long-term human-rights monitoring. Because reintegration services rely on external funding, they lack continuity. Human-rights monitoring cannot be built on a donor cycle. A CSO representative captures a gap clearly: "The monitoring which takes place now is mostly the monitoring of project beneficiaries or the program beneficiaries" *[GE_1].* This limitation is due to the fact that reintegration programmes are designed to report on their own activities – grants disbursed, trainings delivered, business plans completed – rather than focus exclusively on rights-based outcomes such as access to healthcare, non-discrimination, or safe housing.

Despite these challenges, stakeholders identified areas where human rights monitoring could naturally evolve. The research has come across independent initiatives documenting detainees' exposure to fundamental rights violations. Provided such mechanisms' mandates are formalized and adequate resources provide, it could be envisaged to conduct monitor post-return rights. SCMI brings together relevant actors and could institutionalise data-sharing and rights-based monitoring frameworks. Given their investment in return cooperation, EU institutions and international organisations are well-positioned to support a monitoring mechanism, particularly through technical tools, data harmonisation, and financial support.

Overall, while there is currently no post-return human rights monitoring system in Georgia, the mechanisms that exist, largely donor-driven reintegration monitoring, are narrow, short-term, and exclude the majority of returnees. National institutions lack mandates, coordination, and resources to track rights over time, while international actors monitor only their own beneficiaries. The result is a prolonged visibility gap: people appear in the system for a few weeks and then disappear from view, even as their vulnerabilities intensify. Human-rights risks – health deterioration, housing instability, gender-based violence, discrimination, debt, and re-emigration – remain unobserved and unaddressed.

RECOMMENDATIONS

Building a post-return human-rights monitoring system in Georgia requires coordinated action by multiple actors. The recommendations below are grouped according to institutional responsibility and reflect the findings of the analysis. To move from principle to practice, the following recommendations are proposed:

1. Recommendation To Georgian Authorities

- Introduce a clear legal basis for post-return human rights monitoring, complementing reintegration assistance and ensuring monitoring extends beyond short-term support programmes.

- Strengthen coordination under the State Commission on Migration Issues (SCMI) by assigning responsibilities for post-return monitoring and facilitating regular information exchange among relevant actors.
- Integrate return-related issues into national and local social policy planning, enabling authorities to identify and respond to returnees' protection needs.
- Ensure sustainable funding for post-return monitoring mechanisms to reduce reliance on short-term donor-funded projects.

2. Recommendations to the Public Defender of Georgia (NHRI)

- Expand the NHRI's mandate and resources to enable proactive monitoring of returnees' human rights situation for a defined period following return.
- Develop rights-based monitoring methodologies and indicators covering key areas such as housing, healthcare, employment, non-discrimination, family unity, and psychosocial well-being.
- Conduct regular follow-up visits and assessments, including outside Tbilisi, to identify risks that may not result in formal complaints.
- Publish thematic reports and recommendations on post-return conditions and strengthen cooperation with municipalities and civil society organisations to improve referrals and case identification.

3. Recommendations to Municipal Authorities

- Designate focal points within municipal social services to engage with returnees and identify situations of vulnerability.
- Establish voluntary follow-up and referral mechanisms linking returnees to relevant social, healthcare, and protection services.
- Incorporate migration and return considerations into local development and social inclusion strategies.

4. Recommendations to Civil Society and International Organisations

- Formalise the contribution of civil society organisations to post-return monitoring, recognising their capacity to reach returnees beyond state programmes.
- Provide specialised expertise, capacity-building, and methodological support on issues such as gender, health, disability, and psychosocial well-being.
- Promote continuity between reintegration assistance and longer-term monitoring, including through the sharing of anonymised and rights-relevant information in compliance with data protection standards.

5. Recommendations to the European Union and EU Member States

- Improve pre-return information-sharing on vulnerabilities and support needs, subject to informed consent and data protection safeguards.
- Support the development of post-return monitoring mechanisms through funding, technical assistance, and methodological guidance.
- Strengthen cooperation between EU, Member State, and Georgian monitoring bodies, including through joint monitoring initiatives and exchanges of good practice.
- Use evidence generated through post-return monitoring to inform return policies and ensure greater accountability for post-return human rights outcomes.

Taken together, these recommendations outline a realistic and phased pathway toward a post-return human-rights monitoring system that is nationally led, institutionally embedded, and internationally supported. By

moving beyond short-term assistance toward sustained rights-based oversight, Georgia, and its EU partners, can ensure that return does not mark the end of responsibility, but the beginning of accountability

CONCLUDING NOTES

This country analysis has shown that while Georgia possesses the institutional foundations for assisting returnees, it lacks a system capable of monitoring their human rights situation after initial reintegration support ends. Fieldwork revealed that returnees largely collected insights on reintegration outcomes – related to housing, health, debt, stigma, and family dynamics – which frequently intensify after the short-term assistance period concludes and can, therefore, create conditions where human rights violations and risks become more serious. These challenges are neither marginal nor isolated; they reflect structural gaps in governance, data collection, institutional coordination, and the absence of proactive oversight mechanisms. What emerges is a pattern of partial visibility. Returnees appear briefly in administrative processes – during readmission, registration, or grant distribution – only to become invisible once assistance ends. As several interviewees emphasised, the state currently lacks the tools to understand what happens to returnees months after arrival, whether their rights are being upheld, or whether their vulnerabilities worsen. Complaint-based mechanisms only partially fill this gap, as they rely on individuals who are often overwhelmed, ashamed, or unaware of available channels.

International obligations under UN treaties and European human rights instruments require more than procedural compliance in return operations; they require that rights be protected in practice during reintegration and beyond. The absence of systematic monitoring makes it impossible to assess whether these obligations are met, and it limits Georgia's ability to respond to risks, prevent harm, and ensure accountability, both internally and in cooperation with EU Member States.

At the same time, this analysis demonstrates that Georgia is well-positioned to build a monitoring system. Existing institutions – particularly the Public Defender's Office, the State Commission on Migration Issues, municipalities, and civil-society organisations – already hold distinct pieces of the puzzle. What is missing is the legal mandate, the coordination structure, and the data-sharing framework to connect these actors into a coherent whole. The path forward, therefore, lies not in replacing reintegration assistance but in complementing it with a human-rights lens that continues beyond the initial weeks or months after return. A post-return monitoring system would allow Georgia to identify rights risks early, address vulnerabilities before they escalate, strengthen policy planning, and demonstrate adherence to its international commitments. Above all, such a system would acknowledge returnees as rights-holders whose well-being is a matter of public responsibility – not only at the moment of arrival but throughout their reintegration journey.

IRAQ (ANNEX II)

Abdullah Omar Yassen

KEY CHALLENGES

- **Fragmented legal and institutional framework**: Iraq lacks a dedicated legal framework and clear institutional responsibility for post-return human rights monitoring. Existing efforts are dispersed across humanitarian, protection, and statistical systems, with limited coordination between government institutions, international organisations, and civil society actors.
- **Insufficient data on human rights outcomes**: Although returnees are registered upon arrival and extensive reintegration data are collected through existing monitoring systems, there is no comprehensive mechanism for documenting post-return human rights outcomes. As a result, issues such as arbitrary detention, denial of documentation and services, gender-based violence, intimidation by armed actors, barriers to justice, and the experiences of deportees from the European Union remain largely invisible.
- **Operational and political constraints**: Insecurity, limited access to certain regions, weak referral pathways, fear of retaliation among returnees, and the predominantly reactive role of the Iraqi High Commission for Human Rights (IHCHR) constrain monitoring efforts and contribute to the underreporting of violations. Political sensitivities surrounding migration, return, and sovereignty may also limit support for monitoring initiatives perceived as external scrutiny.

KEY OPPORTUNITIES

- **Building on existing monitoring infrastructure**: Existing systems – including the International Organization for Migration's Displacement Tracking Matrix, Return Index, Protection Cluster mechanisms, and area-based assessments – already provide nationwide and regularly updated information on return conditions, offering a strong operational foundation for post-return monitoring.
- **Integrating human rights indicators into reintegration monitoring**: Expanding existing data collection to include indicators on arbitrary detention, discrimination, gender-based violence, secondary displacement, access to justice, and other rights-related concerns would help bridge the gap between reintegration monitoring and dedicated human rights monitoring.
- **Strengthening institutional and community-based monitoring capacities**: Enhancing the mandate and field presence of the IHCHR, leveraging the monitoring capacity of the United Nations Assistance Mission for Iraq and the Office of the United Nations High Commissioner for Human Rights, supporting civil society-led community monitoring, and developing secure reporting and case-management systems could significantly improve the identification, reporting, and follow-up of human rights concerns after return.

INTRODUCTION

This country analysis examines post-return realities in Iraq, with a particular focus on the intersection between reintegration assistance and human rights protection. It draws on **11 anonymised FAiR interviews** ([*Q_1–IQ_11*] with authorities, human rights actors, EU and international organisations, and CSOs, as well as on policy documents and desk research. While Iraq is formally bound by extensive international human rights obligations, the findings demonstrate that post-return human rights monitoring remains fragmented, largely humanitarian

in nature, and structurally disconnected from accountability mechanisms. Current monitoring systems generate valuable data on return conditions but do not systematically capture violations or ensure access to remedies for affected individuals, particularly forced returnees from the EU. The report finds that forced returnees, women, children, minorities, persons with disabilities, and families with perceived ISIL affiliation face layered and compounding vulnerabilities, while deportees from the EU are largely invisible in national monitoring systems. Reintegration monitoring and humanitarian assistance, although essential, remain insufficient substitutes for rights-based post-return protection.

The country analysis assesses that Iraq relies primarily on humanitarian and reintegration-oriented monitoring tools, notably the IOM Displacement Tracking Matrix and the Return Index (IOM, 2025), which assess the structural conditions of return but do not investigate individual human rights violations. The United Nations Assistance Mission for Iraq (UNAMI) and OHCHR human rights reporting provides authoritative documentation of abuses such as forced returns, security clearance-related violations, and arbitrary detention, yet these reports rarely lead to national-level accountability or redress (e.g., 2021). Protection Cluster case-management systems operated by NGOs offer life-saving micro-level protection but remain confined to humanitarian response frameworks. The IHCHR is legally mandated to receive and investigate complaints; however, its effectiveness is constrained by limited enforcement powers, insufficient field presence, and weak follow-up capacity in areas of return. Challenges have also been highlighted in assessments of the institution's compliance with the Paris Principles on the protection and promotion of human rights (MENA Rights Group, 2024).

This country analysis highlights some of the key challenges, including the absence of a national post-return human rights monitoring framework, limited institutional coordination, weak enforcement powers of national institutions, political sensitivity surrounding return monitoring, and operational constraints in insecure or remote areas. There is also a persistent gap between Iraq's formal treaty commitments and the actual protection outcomes experienced by returnees. At the same time, the presence of well-established humanitarian monitoring infrastructures presents a significant opportunity. Existing systems already provide nationwide coverage, regular data collection, and operational access. These platforms could be strategically leveraged to introduce a human-rights-sensitive monitoring layer, bridging reintegration data and protection accountability without creating entirely new institutions.

This analysis recommends that the development of a national post-return human rights monitoring framework should be led by Iraqi authorities with technical support from international partners. Human rights-sensitive indicators should be integrated into existing humanitarian tools such as the IOM Return Index and Protection Cluster assessments. The mandate and operational capacity of the IHCHR should be strengthened, including enhanced field presence and structured referral mechanisms. At the international level, EU-funded reintegration programmes should be conditioned on minimum human rights monitoring standards, ensuring that return sustainability is measured not only by infrastructure recovery but also by protection outcomes. UNAMI/OHCHR should be supported to conduct systematic post-return follow-up, particularly for forced returnees. In addition, partnerships with civil society organisations should be expanded to enable confidential, community-based monitoring capable of capturing violations that remain invisible to formal systems. Together, these measures would transform existing reintegration monitoring from a purely humanitarian instrument into a sustainable foundation for rights-based post-return protection and accountability in Iraq.

LEGAL AND INSTITUTIONAL FRAMEWORK

Iraq does not yet have a single, comprehensive "Return and Reintegration Law", but the protection of Internally Displaced Persons (IDPs) and returnees is anchored in a patchwork of laws, cabinet decisions and policy documents. A key reference is the National Policy on Displacement (2008), which affirms that the Government of Iraq bears primary responsibility for protecting IDPs and returnees and for creating conditions for voluntary and dignified return, local integration or resettlement elsewhere in the country (Ministry of Displacement and Migration, 2008). In the aftermath of the ISIL conflict, the Iraqi Government adopted a National Plan to Address Displacement and Facilitate Returns (often called the "National Plan for IDPs") and related Roadmap for

Solutions, which set out measures for camp closures, rehabilitation of areas of origin, and support to returnee households across sectors such as housing, services, livelihoods, and civil documentation (Ministry of Displacement and Migration, 2020). These plans are implemented in coordination with the Durable Solutions Framework in Iraq and the Inter-Agency Durable Solutions Strategic and Operational Framework (Iraq Durable Solutions, 2021).

The government (through the Ministry of Migration and Displacement and governorate-level crisis cells) leads on registration of IDPs, planning for camp closures, return and relocation, and provision of cash and in-kind assistance to returnees (Khoury and Mogiani, 2024). In the Kurdistan Region of Iraq (KRI), the Kurdistan Regional Government (KRG) exercises de facto authority over IDPs and return issues within its territory. Institutions such as the Ministry of Interior's Joint Crisis Coordination Centre (JCC/JCCC) and governorate-level bodies (e.g. Board of Relief and Humanitarian Affairs – BRHA – in Duhok) coordinate humanitarian assistance, registration, and advocacy on voluntary, safe and dignified return (Kurdistan Region of Iraq, 2024). Tensions occasionally arise between Iraq and KRG authorities over the timing and modalities of camp closures and returns, including accusations of coerced returns or demographic engineering in disputed territories, which directly shape the protection environment for IDPs and returnees (Ministry of Interior, 2025).

In practice, "reintegration" is delivered through a mix of government programmes and humanitarian/development interventions rather than a single unified system: Return assistance packages (e.g. cash grants of around 1.5 million IQD, equivalent to 1050 USD, per returnee in some schemes) and support with transport and basic Non-Food Items (NFIs) provided through the Ministry of Migration and Displacement, sometimes with International Organization for Migration (IOM) and United Nations High Commissioner for Refugees (UNHCR) support (Khoury & Mogiani, 2024). This amount has been criticized to be tokenistic and too little that it does not cover the basics for the returnees (e.g., IOM Iraq, 2021). Civil documentation and legal aid, including help to obtain or replace IDs, nationality certificates, property documents and birth/marriage certificates – crucial for access to services, social protection and justice (Institute for International Law and Human Rights, 2024). Area-based durable solutions programming in high-return governorates (e.g. Ninewa, Salah al-Din, Anbar, Kirkuk), focusing on shelter rehabilitation, basic services, livelihoods, social cohesion and local governance, often guided by IOM's Return Index and displacement/durable solutions data. In the KRI, similar services are provided, but often with stronger reliance on international funding and KRG-level coordination structures (JCC, governorate-level directorates), and with particular sensitivity around returns to disputed areas and minority communities (Kurdistan Region of Iraq, 2024).

Iraq is party to the main UN human rights conventions, including: International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW/CMW) (United Nations Human Rights Treaty Bodies). These treaties impose obligations relevant to return and reintegration, such as non-refoulement (through the prohibition of torture and ill-treatment), non-discrimination, the right to an adequate standard of living, access to education and health, and protection against arbitrary deprivation of nationality and arbitrary interference with privacy, family and home.

While Iraq is not party to the 1951 Refugee Convention or its 1967 Protocol (Human Rights Library, 2023), it has repeatedly affirmed its adherence to: The UN Guiding Principles on Internal Displacement, which call for voluntary, safe, dignified and informed returns or alternative durable solutions, and the Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for IDPs, used by the Iraq Durable Solutions Framework and IOM/UN partners as the main reference for assessing progress toward solutions (Iraq Durable Solutions, 2021).

At the regional level, Iraq is bound by or politically committed to: The Arab Charter on Human Rights (League of Arab States), which reinforces key civil, political, economic and social rights relevant to displacement and return; and Instruments and declarations of the Organisation of Islamic Cooperation (OIC), including the

Cairo Declaration on Human Rights in Islam, which contain principles on human dignity, protection of life and property, and assistance to those in need. These commitments provide a normative basis for demanding that return and reintegration processes in Iraq respect human rights standards (non-coercion, non-discrimination, access to services, protection of minorities, women, children and persons with disabilities).

Although Iraq has ratified most core international human rights treaties – including those mentioned above in this section – compliance in practice remains uneven and largely dependent on security, political will, and institutional capacity rather than legal commitment alone. On paper, these obligations require Iraq to prevent discrimination, ensure access to documentation, housing, and legal remedies, and protect returnees from ill-treatment or arbitrary detention during and after return. However, in post-conflict districts and disputed territories, monitoring bodies repeatedly document systematic gaps between standards and implementation, particularly for vulnerable groups such as minorities, women, perceived ISIL-affiliated families, and forced returnees from Europe.

Human rights treaty bodies and UNAMI/OHCHR reports on Iraq (e.g., 2021) routinely highlight weak enforcement and monitoring structures, limited coordination between Iraq and KRG authorities, and fragmented service delivery for returnees. Despite treaty membership, protective guarantees remain mostly procedural rather than operational, with accountability mechanisms described as "insufficient" or "ineffective" due to a lack of legal enforcement, weak investigative capacity, and political interference. This means that Iraq's reporting obligations and ratification status create expectations internationally, but do not automatically translate into systematic post-return protection, especially outside major urban centres. In practice, Iraq's formal commitments therefore risk functioning as symbolic rather than transformative, unless human rights obligations are integrated into reintegration programming, monitoring systems, and justice/complaints mechanisms accessible to returnees. Strengthening human rights compliance could therefore require shifting from treaty ratification and periodic reporting toward ongoing, rights-based post-return monitoring, data collection, and remedial pathways, supported by both Iraqi institutions and international partners.

The Ministry of Migration and Displacement (MoMD) is the responsible body for IDPs, returnees and Iraqis abroad. This responsibility include registration, assistance schemes, return grants, and coordination with governorate crisis cells and international organisations (Khoury & Mogiani, 2024). Chairs or co-chairs various coordination platforms on durable solutions and reports on implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM) in Iraq (Khoury & Mogiani, 2024). Governorate Crisis Cells and local councils play a central role in approving returns, mediating security clearance, allocating land for reconstruction, and liaising with security forces and tribal/religious leaders (Iraq Durable Solutions, 2021). The Ministry of Interior, judiciary and security forces are key to screening individuals with perceived ISIL affiliation, managing security clearances for return, and addressing conflict-related property, housing and documentation disputes—often a major barrier to sustainable reintegration (Institute for International Law and Human Rights, 2024).

Within KRG institutions, the Ministry of Interior and the JCCC coordinate humanitarian and displacement responses in the KRI, including camp management, registration, and dialogue with Iraqi authorities on camp closures and return scenarios (Kurdistan Region of Iraq, 2024). Governorate-level bodies (e.g. BRHA in Duhok, crisis cells in Erbil and Sulaymaniyah) implement policies on the ground, manage camps and out-of-camp populations, and facilitate access to services, work and documentation for IDPs and returnees in the KRI (Kurdistan Region of Iraq, 2024). Iraqi and Kurdish Civil Society Organisations (CSOs), together with international NGOs (NRC, DRC, IRC, IOM, UNHCR, etc.), provide legal aid, case management, psychosocial support, livelihoods projects and community-based protection, often filling gaps left by state structures (NRC, 2024). CSOs also act as watchdogs and advocates, documenting coercive returns, discrimination, obstacles to civil documentation, and barriers faced by women, minorities and ISIL perceived-affiliate families, and feeding this evidence into national and international policy debates.

Overall, Iraq's response is framed by: The National Policy on Displacement (2008) and subsequent National Plan and Roadmap for Solutions for IDPs and returnees (Ministry of Displacement and Migration, 2008); Sectoral strategies (housing, social protection, education, health, livelihoods) that partially address displacement-affected populations (Ministry of Displacement and Migration, 2008). In the KRI, the Regional Human Rights Plan

and specific policy commitments on protection of IDPs, prevention of forced or unsafe returns, and support for host communities (Kurdistan Region of Iraq, 2024).

PROFILE OF RETURNEES AND POST-RETURN REALITIES IN IRAQ

Since the peak of displacement during the ISIL conflict (2014–2017), Iraq has witnessed one of the world's largest internal return movements. More than 5 million individuals have returned to their areas of origin, although an estimated 1.1 million remain displaced. Return patterns are uneven, with high concentrations in Anbar, Ninewa, Salah al-Din, and Kirkuk. Iraqi nationals represent a significant population in EU asylum systems. Returns from Europe occur through: Voluntary return programmes (assisted voluntary return and reintegration – AVRR – supported by IOM) or non-voluntary/forced returns, implemented by various EU Member States based on negative asylum decisions. Main EU return-sending countries include Germany, the Netherlands, Belgium, Finland, the UK, and Sweden (historically), though policies change depending on country assessments of security conditions in Iraq and the KRI. There are five most prominent types of return:

- Spontaneous/self-organised return
- Assisted voluntary return (AVR/AVRR) with reintegration packages
- Forced return/deportation following removal orders
- Collective return movements from neighbouring countries (Turkey, Jordan, Syria)
- Internal returns of IDPs from KRI camps or host communities back to liberated areas.

A notable phenomenon is re-emigration, especially among youth and those who previously attempted irregular migration. Factors include:

- Continued lack of livelihoods and economic stability in Iraq;
- Security constraints in some liberated areas;
- Social stigma faced by failed asylum seekers;
- Debt accumulation from smuggling fees;
- Unrealistic expectations of reintegration support.

  Re-emigration can occur within months of return, often through new irregular migration routes, creating cycles of vulnerability.

The EU–Iraq Partnership and Cooperation Agreement (2012) includes commitments on migration and readmission, including joint migration dialogues addressing identity verification, the issuance of laissez-passer documents, and return operations. The 2024 Iraq–UK security cooperation agreement focuses on irregular migration, smuggling networks, and information exchange. IOM-supported reintegration packages are set for voluntary returnees, though not for those forcibly returned by EU Member States. EU pressure for increased readmissions often faces domestic political sensitivity in Iraq due to security and socio-economic instability.

Post-return vulnerabilities in Iraq are highly differentiated, shaped by return modality, gender, age, health status, ethnicity, and perceived security affiliation. Evidence from humanitarian agencies and human rights organisations indicates that return does not mark the end of protection risks, but often introduces new and layered forms of vulnerability, particularly for individuals forcibly returned from abroad and for groups already marginalised within Iraqi society (UNHCR, 2022; IOM, 2023).

Rejected asylum seekers forcibly returned from the EU represent one of the most vulnerable categories of returnees in Iraq. Unlike beneficiaries of Assisted Voluntary Return and Reintegration (AVRR), deportees typically return without reintegration assistance, income support, or structured follow-up, resulting in immediate socio-economic shock (IOM, 2022). Many face social stigma as "failed migrants", compounded by significant debts incurred to finance irregular migration. These pressures frequently increase the likelihood of re-emigration attempts, often through more dangerous routes (ECRE, 2021). From a protection perspective, forced returnees are also less visible in national monitoring systems, creating a serious gap in post-return risk identification (NRC, 2022).

Women returnees face distinct and gender-specific vulnerabilities upon return to Iraq. These include heightened risks of gender-based violence (GBV), restrictions on freedom of movement, and discriminatory access to housing, inheritance, and livelihoods, particularly in conservative or conflict-affected communities (UNFPA, 2022). Women returning from Europe may face additional stigma linked to perceived "Western" behaviour, which can trigger family-based control, forced marriage, or social exclusion. Female-headed households are especially vulnerable, as reintegration assistance and livelihood programmes often fail to account for structural gender inequalities embedded in local labour markets and legal frameworks (CEDAW Committee, 2019).

Children and youth constitute a large proportion of returnees in Iraq, yet their protection needs remain insufficiently addressed. Many children return after years of displacement or migration with interrupted education, learning gaps, and psychosocial distress as "violence against children is highly prevalent in Iraq (EUAA, COI report). Civil documentation barriers frequently prevent school re-enrolment, access to health services, and inclusion in social protection schemes. Youth returnees, particularly young men, face high unemployment and social marginalisation, increasing vulnerability to negative coping mechanisms, including re-migration (IOM, 2023). These risks are particularly acute in areas with limited economic recovery.

Elderly returnees and persons with disabilities face severe structural disadvantages in post-return settings. Many require ongoing medical care, assistive devices, or accessible housing, yet health and rehabilitation services remain extremely limited in post-conflict districts. Access to pensions, disability allowances, or social welfare is often contingent on civil documentation, which many returnees lack. The absence of targeted reintegration support for these groups significantly undermines their ability to return safely and with dignity (CRPD Committee, 2019).

Ethnic and religious minorities – including Yazidis, Christians, Shabak, Kaka'i, and Turkmen – experience compound vulnerabilities linked to historical persecution, unresolved security threats, and widespread destruction of housing and livelihoods. Despite physical reconstruction in some areas, many minority returnees report continued fear, lack of trust in security actors, land disputes, and demographic pressures, particularly in disputed territories (Minority Rights Group International, 2022). For Yazidi survivors of ISIL crimes, psychological trauma and the absence of justice mechanisms further undermine prospects for sustainable return (Yazda, 2021).

Returnees with chronic illnesses or mental health conditions face acute protection risks due to medication shortages, limited specialised care, and the near absence of community-based mental health services in many areas of return. Forced return can exacerbate trauma, anxiety, and depression, particularly among individuals previously exposed to detention, violence, or prolonged uncertainty in asylum systems (UNHCR, 2022). These health-related vulnerabilities are rarely captured by reintegration monitoring tools, yet they directly affect return sustainability and protection outcomes.

Overall, interviewees highlighted more reintegration related challenges that Iraqi returnees face, namely economic difficulties and unemployment, social expectations and stigma, availability of services, context re-adaptation, and security challenges. As one of the interviewees stressed,

> "There are many cases, some people come back and feel comfortable, they adapt right away and start working, and others no, they come back feeling stuck. And some say give me time, especially those who've been abroad more than 10 years, who left around 2015, and now it's 2025, they come back mentally tired, they need time to reintegrate with society, with people, with family, with relatives. And others no, they come back happy, happy to return, they work, they want to be independent, they want to get married, open their own business, a lot of families come back and accept the reality and adapt to it. But I think more than 60% adapt, they live normally and get back to their life" *[IQ_2].*

Further, and building on reintegration challenges, the desk research and field interviews highlighted several key conditions that can increase returnees' exposure to human rights risks and, in some cases, lead to human rights violations following return:

1. Security-Based Risks After Return: Returnees frequently report exposure to militia influence, security screening, community retaliation, unexploded ordnance, and renewed displacement, particularly in Ninewa, Anbar, and Salah al-Din (UNHCR, 2022; IOM, 2024). Families with perceived ISIL affiliation face collective punishment, restricted movement, and denial of services (OHCHR, 2021; NRC, 2022). The returnees from Europe likewise face security challenges in the post-war recovery setting. Most interviews reported that security challenges across the country were the primary issue for returnees. An NGO noted that "Sustainable security in Iraq changes from day to day, sometimes it's not stable. Until now, there are areas where the security situation isn't good, and that negatively affects the program. Right now, in general, thank God the situation is okay, but sometimes, from time to time, there are security incidents and that impacts things negatively" *[IQ_2].* This lack of sustainable security is the main reason many returnees object to returning, and even those who have returned sometimes decide to re-emigrate.

2. Social Stigma and Community Rejection: Deportees are often labelled as "failures," "security risks," or "Westernised," generating family pressure, reduced marriage prospects, and exclusion from employment (IOM, 2023; ECRE, 2021). Women returnees face heightened stigma based on perceived violations of social norms (UNFPA, 2022). Many interviewees pointed out that the most complicated situations post-return are experienced by these individuals who have been away for a long time from their country and are no longer "familiar" with it. The social stigma and feeling of "failure" were also shared by our interviewee, who noted that

> "one issue is the kind of shame that people feel, because they didn't really manage in the goal that they had, that they would move to Europe and start a new life with better possibilities, so it has backfired. And then you have to come back home and face people who probably have lent you money, and you have not much to show for, so that certainly is difficult" *[IQ_7].*

The social challenge was also highlighted by another of our interviewees:

> "Someone who spent 5 years in Germany comes back, and all their relatives start asking, 'Why did you come back from Germany?' 'How much money did you spend?' 'How much money did you bring back?' 'What did you work on?' 'What did you buy?' These kinds of questions mess up the person's family situation and can destroy them socially; that's one thing. Second, if someone lived in Germany for 5 years and got used to the German culture, coming back and adapting isn't that easy; it takes time, it's not just a day or two. And most returnees come back psychologically exhausted, honestly, from the European countries, so that also takes time before they can socially adapt. And there are some people who come back and can support their family, but others come back to poor families with no support at all—and that affects them socially after return too" *[IQ_2].*

3. Economic Shock and Debt: Many forced returnees arrive with no savings and outstanding smuggling debts, while being excluded from EU-funded reintegration packages reserved for voluntary returnees (IOM, 2022; NRC, 2022). This sharply increases the risk of re-emigration and engagement in hazardous informal labour (World Bank, 2020; IOM, 2024). As one interviewee noted,

> "The challenges are definitely there, especially for families with kids. A returnee with four or five young kids who spent five years in European countries will really struggle to re-adapt after returning. They might even need private schools, and that needs a lot of money. And for healthcare, same thing, if they want to go to a hospital, they can go to a public hospital like anyone else, but if they want to go private, they need to have a lot of money" *[IQ_2].*

Economic hardship and unemployment were also noted by government departments. They see that finding job opportunities is the biggest struggle, and there has not a labour market assessment since 2021 to guide returnees

to run a project. There is a lack of modern training programmes, so there is not enough support for returnees, and they are not convinced by the help offered. There are no job opportunities and no proper training *[IQ_3].*

4. Lack of Reintegration Support: There is limited coordination between EU removal authorities and Iraqi reintegration institutions, leading to sudden vulnerability upon arrival (EC, 2023; IOM, 2024). Deportees often receive no housing, livelihood, or psychosocial assistance, unlike AVRR beneficiaries. As one of the interviewees noted that

> "The biggest challenge for families is schools for the kids, the language. For example, the kid was born abroad, doesn't know how to speak Arabic or write in Arabic, or it's been 10 years abroad, so they learned there and forgot Arabic. So that's a big issue for children. For example, someone who comes back and doesn't have family here anymore, or their housing has changed, or maybe previous job or projects are no longer available, so that's also a challenge for them because they need time to adjust to the new reality" *[IQ_2].*

In terms of education, there's no full coordination between all stakeholders to have a concrete program to support returnees, and that's very necessary, because there is a "large number of university graduates in Iraq. All over Iraq, graduates are unemployed, and this affects returnees from European countries, because most of them come back without certificates, so they can't compete with the graduates" *[IQ_2].*

5. Psychological and Health Consequences: High levels of depression, PTSD, anxiety, and suicidal ideation are documented among forced returnees (IOM, 2023). Iraq's mental health system remains severely under-resourced, particularly in post-conflict districts (OCHA, 2023). The stigma from the community abroad and the forced return journey itself leave a mark on returnees. The interviewee mentions as an example a person who was in Germany, and when his residency expired, he found the police at his house, and they imprisoned him for 20 days before sending him to the airport and to Baghdad. His bank account was frozen; the car he bought and the house were confiscated, along with all his belongings *[IQ_3*]. There are many similar stories.

There are no effective post-return human rights monitoring mechanisms, and returnees have limited access to remedies for abuse suffered during arrest, detention, or deportation (Amnesty International, 2022; OHCHR, 2021). One interviewee mentioned a meeting in which authorities sought to evaluate the reintegration programmes run by the international organisation and suggested that the IO should conduct a survey of returnees regarding the psychological sessions:

> "The ministry is offering psychological sessions and are themselves not convinced with them, with the services that are providing, so why the returnee should? The Ministry is aware that the services that they are offering are not suitable. Real reintegration programmes for the returnees should be made available, as they believe that a person should not just be returned to the airport – real services should be provided for them to reintegrate, because they might re-migrate and not return" *[IQ_3].*

The interviewee also emphasised that they should encourage people with a high degree (qualifications) to also return as they need them (doctors and such), especially those who got a lot of experience abroad. "The Ministry would like to see a monitoring and evaluation system in place for the programmes. According to members of the department, to their knowledge, there isn't any specific mechanisms to monitor the human rights of returned migrants; they treat them like an Iraqi human" *[IQ_3].*

Taken together, these vulnerabilities demonstrate that return in Iraq is not a neutral or uniform process, but one that often reproduces or intensifies pre-existing inequalities and protection risks. The absence of systematic post-return human rights monitoring, particularly for forced returnees and marginalised groups, means that violations frequently remain invisible and unaddressed. While some of these aspects are tracked through reintegration monitoring, a more in depth outlook to more serious rights violations outcomes need to

be addressed by completing and reinforcing assistance-based reintegration models with rights-based, individualised, and monitored return frameworks aligned with Iraq's international human rights obligations.

PERCEPTION OF HUMAN RIGHTS VIOLATIONS AND EXTERNAL INFLUENCE IN EU RETURN PROCESSES

From the perspective of Iraqi returnees, civil society actors, lawyers, and international protection agencies in Europe – particularly in Germany – EU return practices are widely perceived as prioritising migration control and deterrence over human rights protection (Amnesty International, 2022). Stakeholders underline that return decisions are often based on generalised Country of Origin Information (COI) that fails to capture localised security risks, militia presence, tribal conflict, and unresolved property disputes in Iraqi communities of origin (UNHCR, 2022). Human rights organisations further argue that EU return practices raise serious concerns under the principle of non-refoulement, particularly in relation to families with perceived ISIL affiliation, minorities, single women, and persons with medical vulnerabilities (OHCHR, 2020; Amnesty International, 2022). Even where areas are officially classified as "safe," micro-level risks and post-conflict fragility continue to expose returnees to serious harm (NRC, 2022; IOM, 2024).

Stakeholder interviews and monitoring reports indicate that Iraqi nationals facing deportation frequently experience pre-removal administrative detention, raising concerns under Article 5 of the European Convention on Human Rights (ECHR) (Council of Europe, 2021). Limited access to legal aid, translation, and effective appeal mechanisms has been widely documented in accelerated asylum and return procedures (ECRE, 2021; EC, 2023). Several NGOs report the use of coercive removal practices, including night arrests, handcuffing, forced escorts to aircraft, and family separation, which may amount to inhuman or degrading treatment under Article 3 ECHR (Amnesty International, 2022). These concerns are particularly acute in cases involving traumatised asylum seekers, persons with mental health conditions, and young adults ageing out of child protection systems (UNFPA, 2022, with EU responsibility effectively ending upon physical removal, despite the foreseeable risks returnees face after arrival (IOM, 2024; NRC, 2022). As such, pre-return practices and concrete human rights violations in the EU have an enduring impact post-return in Iraq, as addressed in our fieldwork,

Most interviewees also noted that they are not aware of mechanisms for monitoring the human rights of returnees. The Iraqi authorities interviewed suggested that if were to activate mechanisms to monitor the human rights of returnees, these should be first be compliant in the context of pre-return in the EU – considering also their heavy reliance on forced return procedures. However, an EU diplomatic representation – reported that they do not have operational roles in return but can oversee specific returnees' needs if requested and grounded (i.e., specific medical needs), but there is no follow-up on "what happens with one person" *[IQ_6].*

There are no human rights mechanisms, but according to a NGO *[IQ_8]*, if such a mechanism existed, it "would encourage young people to voluntarily return to Iraq" *[IQ_8]*. However, several interviews noted that even if human rights monitoring is not implemented as such, human rights considerations must be part of the working practices of various actors. EU Member States are legally bound by the European Convention on Human Rights (ECHR), the EU Charter of Fundamental Rights, the 1951 Refugee Convention, and the EU Return Directive (2008/115/EC) (EC, 2008). These instruments prohibit the return of any person to a place where they face a real risk of torture, inhuman or degrading treatment, or serious harm, under the customary international law principle of non-refoulement (OHCHR, 2020; UNHCR, 2022). The European Court of Human Rights has confirmed that individualised risk assessment is mandatory and that generalised improvements in a country of origin cannot justify returns where personal vulnerability exists (ECtHR, F.G. v. Sweden, 2016). Nevertheless, human rights organisations argue that political pressure to increase deportations has weakened procedural safeguards, particularly since 2021, when irregular migration increased (Amnesty International, 2022; EC, 2023).

Importantly, from the perspective of the EU third country, a political challenge is the perception that post-return human rights monitoring constitutes a potential infringement of Iraqi sovereignty, particularly when monitoring mechanisms are linked to EU return policies or third-country conditionality. Iraqi authorities have historically viewed some external monitoring initiatives as politically instrumentalised, especially when linked to migration control and readmission cooperation (EC, 2023). From the Iraqi government's perspective, post-return monitoring initiated or funded by the EU may be perceived as:

- A continuation of externalised EU border control policies
- A tool for shifting responsibility for migrant protection onto third countries
- An implicit questioning of state capacity and legitimacy

However, from a human rights perspective, international cooperation on monitoring is not a violation of sovereignty but rather a treaty-based obligation stemming from Iraq's membership in UN human rights bodies and its acceptance of international oversight mechanisms such as the Universal Periodic Review (United Nations Human Rights Council, 2024). The key political opportunity lies in reframing post-return monitoring as a nationally owned, internationally supported protection mechanism, rather than as an externally imposed EU control instrument.

EXISTING POST-RETURN HUMAN RIGHTS MONITORING PRACTICES IN IRAQ

Structurally, current available tools for post-return monitoring remain fragmented across humanitarian, protection, and statistical systems, with no unified national mechanism integrating the work of IOM, UNAMI, IHCHR, and NGOs (OHCHR, 2021–2024; IOM, 2022–2024). Each actor collects data for its own mandate, resulting in parallel data systems that do not translate into state accountability. Politically, return and reintegration remain highly sensitive issues, particularly in post-conflict and disputed territories such as Ninewa, Kirkuk, Sinjar, and parts of Diyala. Monitoring practices are often perceived by political and security actors as interference in internal affairs, especially when they involve security screening, militia activity, or alleged collective punishment (UNAMI/OHCHR, 2021–2024). Operationally, access constraints, insecurity, a lack of trained human rights monitors, weak referral pathways, and victims' fear of retaliation significantly reduce the effectiveness of on-the-ground monitoring (NRC, 2022; OCHA, 2023). At present, therefore, Iraq lacks a systematic, nationwide post-return human rights monitoring framework that tracks the actual protection outcomes of returnees over time. Existing systems – such as the IOM DTM and Return Index – focus primarily on area-level infrastructure, services, and stability indicators, rather than individual-level human rights violations or access to justice (IOM, 2022–2024). There is no centralised national database that records:

- Violations experienced after forced or voluntary return
- Arbitrary detention or security clearance abuses
- Denial of documentation, housing, or basic services
- Gender-based violence and child protection risks

The lack of data on returnees hampers awareness of post-return outcomes. Data gaps mean that deportees from the EU are largely invisible in national protection statistics, making it impossible to assess whether EU return practices result in post-return rights violations (ECRE, 2021; EC, 2023). Furthermore, the IHCHR operates mainly as a complaint-receiving body rather than a proactive monitoring institution, and its geographic reach in post-conflict and rural return areas remains limited (IHCHR). As a result, most post-return violations remain underreported and uninvestigated.

Reintegration monitoring has been implemented extensively by international actors, particularly the IOM, with support from the European Union and its Member States. These mechanisms assess returnees' access to housing, services, livelihoods, safety, and social cohesion following return, particularly in post-conflict and displacement-affected areas. While they generate valuable evidence on reintegration outcomes, they are not designed to investigate or document human rights violations. A key example is IOM's Displacement Tracking Matrix (DTM) Return Index, which assesses conditions of return across districts and sub-districts through indicators such as housing, livelihoods, access to services, safety, and social cohesion (IOM and OCIA, 2024). Widely used in EU-funded reintegration and stabilisation programmes, the tool supports policy planning and resource allocation. However, although it can identify areas facing severe return conditions, it does not determine whether these result from human rights violations or provide pathways to accountability and remedy.

Similarly, Assisted Voluntary Return and Reintegration (AVRR) programmes conduct post-return follow-up to assess reintegration outcomes and the use of assistance (IOM, 2023). Through post-return follow-up visits and assessments, AVRR monitors track individual or household-level indicators such as income generation, access to services, use of reintegration assistance, and short- to medium-term self-reliance (IOM, 2023). AVRR monitoring is one of the few mechanisms that maintains direct contact with returnees after arrival in Iraq, making it a potentially valuable source of post-return information. Nevertheless, its scope is inherently limited. AVRR monitoring applies only to voluntary returnees, excluding forced returnees and deportees, and it does not systematically address politically sensitive issues such as security screening, militia influence, arbitrary detention, or discrimination (ECRE, 2021). When protection risks are identified, they are typically handled through informal referrals rather than formal human rights documentation or accountability mechanisms (NRC, 2022).

In addition to IOM-led mechanisms, several EU-funded reintegration and stabilisation projects in Iraq incorporate monitoring components to assess programme effectiveness. These projects typically evaluate the sustainability of return, livelihood outcomes, access to services, and community-level cohesion, relying on a combination of NGO field monitoring, beneficiary feedback mechanisms, and IOM data (EC, 2023). While these monitoring systems are essential for programme accountability and donor reporting, they are not structured in accordance with international human rights standards. Issues such as discrimination, coercion, gender-based violence, or collective punishment are often treated as contextual risks affecting reintegration, rather than as human rights violations requiring investigation, remedy, or state accountability (Amnesty International, 2022).

The Iraqi case demonstrates both the value and limitations of reintegration monitoring. Reintegration monitoring mechanisms play a crucial role in identifying early warning signs of instability, service gaps, and socio-economic stress among returnees, generating empirical data, support continued engagement with returnees, and inform donor strategies in fragile post-conflict environments (IOM, 2024; World Bank, 2020). However, these mechanisms cannot substitute for systematic human rights monitoring. They do not assess compliance with Iraq's international human rights obligations, they do not document violations in a legally robust manner, and they do not ensure access to justice or remedies for affected individuals (OHCHR, 2020). As a result, serious post-return human rights risks – particularly for deportees, minorities, women, and families with perceived ISIL affiliation – may remain undetected or unaddressed (UNHCR, 2022). Rather than viewing reintegration monitoring and human rights monitoring as competing approaches, the Iraqi case demonstrates that they are complementary tools. Reintegration monitoring can serve as an entry point for sustained human rights follow-up by identifying risk patterns, highlighting vulnerable groups, and providing baseline data that can be taken up by national and international human rights institutions (UNAMI/OHCHR, 2023). When linked to independent human rights monitoring mechanisms, reintegration data can support early warning, targeted protection responses, and evidence-based advocacy. In this sense, strengthening the interface between reintegration monitoring and human rights monitoring offers a pragmatic and politically feasible pathway to improve post-return protection outcomes in Iraq, without overextending the mandates of humanitarian and reintegration actors.

In terms of monitoring with a more central human rights protection scope, the UNHCR monitors protection risks associated with return through protection cluster reporting, advocacy on non-refoulement, and post-return protection updates, particularly for IDPs, minorities, and persons with legal documentation issues (UNHCR Iraq). The UNAMI – Human Rights Office, operating under the mandate of the OHCHR, documents violations linked to forced return, collective punishment, security screening, and denial of services, and regularly issues public human rights reports (UNAMI/OHCHR, 2021–2024). At the national level, the IHCHR is the constitutionally mandated national human rights institution responsible for monitoring violations, receiving complaints, and reporting to Parliament and international treaty bodies; however, its capacity to systematically monitor post-return abuses remains limited, particularly in remote and post-conflict areas (IHCHR). Local and international NGOs such as the Norwegian Refugee Council (NRC), International Rescue Committee (IRC), Danish Refugee Council (DRC), and Iraqi civil society organisations provide legal aid, protection monitoring, and case documentation, but their findings are not part of a binding state accountability framework (NRC; IRC; DRC). In the KRI, monitoring is further supported through the JCC, KRG Ministry of Interior and governorate-level

authorities, though these bodies focus primarily on coordination and camp administration rather than independent human rights oversight (JCC).

Iraq is legally bound by multiple international human rights treaties that impose obligations to monitor, prevent, investigate, and remedy post-return violations, including:

- ICCPR – protection of life, liberty, dignity, and freedom from arbitrary detention (ICCPR, 1966);
- ICESCR – rights to housing, health, education, and work (ICESCR, 1966);
- CAT – absolute prohibition of torture and duty to investigate ill-treatment, including in return contexts (CAT, 1984);
- CRC – protection of children upon return (CRC, 1989);
- CRPD – protection of disabled returnees (CRPD, 2006).

As a member of the UN Human Rights Council, Iraq is also subject to the Universal Periodic Review (UPR) process, which regularly assesses Iraq's performance on return, displacement, documentation, housing, and accountability for post-conflict abuses (United Nations Human Rights Council, 2024). In addition, Iraq has politically committed to the UN Guiding Principles on Internal Displacement, which require the government to ensure voluntary, safe and dignified return and monitoring of protection risks after return, even though they are soft-law instruments (Guiding Principles on Internal Displacement, 1998).

Overall, the main post-return monitoring tools currently available in Iraq – addressing human rights dimensions – include:

1. IOM Return Index and DTM System Used to measure conditions of return across shelter, livelihoods, safety, services, and social cohesion, but does not have an explicit human rights violation investigation mandate (IOM, 2024).
2. UNAMI Human Rights Reports Periodic documentation of forced returns, security clearance abuses, arbitrary arrest, and community retaliation (OHCHR, 2021).
3. Protection Cluster and NGO Case Management Systems Used to identify individuals at risk, provide referrals, and document protection incidents in a non-judicial manner (Global Protection Cluster).
4. IHCHR Complaints System allows individual complaints but lacks enforcement authority and field-level access in many return areas (IHCHR).

The main post-return monitoring tools currently available in Iraq are implemented through a combination of humanitarian data systems, UN human rights reporting mechanisms, NGO-led protection case management structures, and the national human rights institution. Together, these tools provide fragmented insights into return and reintegration outcomes but do not constitute a unified post-return human rights monitoring framework capable of ensuring accountability or remedies as outlined in the table below.

Tool	**Can document violations**	**Can enforce remedies**	**Who uses it**	**Level of impact**
IOM Return Index	Not Applicable	Not Applicable	IOM, donors	Structural planning only
UNAMI HR Reports	Applicable	Not Applicable	UN	Political pressure only
Protection Cluster	Applicable (case-level)	Not Applicable	NGOs	Individual relief
IHCHR Complaints	Applicable (theoretically)	Not Applicable	Individuals, CSOs	Minimal accountability

The IOM Return Index and DTM system operates through field enumerators deployed across all Iraqi governorates, who collect data via key-informant interviews, community assessments, and field verification missions. The system measures conditions of return across indicators such as housing damage, service availability, livelihood opportunities, perceptions of safety, and social cohesion, and categorises locations by levels of severity. These assessments are often requested by local authorities or funded by the EU and

international donors and are primarily used to inform stabilisation programming and donor allocation. While the Return Index is highly influential in shaping reintegration and recovery priorities, it does not collect individual-level data on human rights violations, nor does it investigate abuses or provide legal remedies. Its impact is therefore limited to structural planning rather than protection or accountability.

In parallel, the UNAMI Human Rights Office, operating under the undertakes periodic documentation of post-return violations, including forced returns, security-clearance-related abuses, arbitrary detention, and community retaliation. UNAMI human rights officers conduct confidential interviews, detention monitoring, and field missions, drawing information from victims, civil society organisations, journalists, and lawyers. These findings are published in thematic and periodic reports and are shared with Iraqi authorities and international mechanisms such as the Universal Periodic Review. Although these reports constitute the most authoritative documentation of post-return violations in Iraq, UNAMI lacks enforcement authority and cannot compel investigations or remedies, meaning that its impact remains primarily diplomatic and political.

At the community level, the Protection Cluster and NGO case management systems serve as the primary operational mechanisms for identifying vulnerable returnees and responding to immediate protection risks. Organisations such as the NRC, DRC, IRC, and Iraqi NGOs operate confidential case-management tools to register individuals at risk, assess protection concerns, provide referrals to legal aid or psychosocial services, and document incidents in a non-judicial format. These systems are activated by outreach teams, camp managers, community focal points, or returnees themselves. While they are highly effective in delivering micro-level protection assistance, they are not designed to document violations in a legally robust manner or to trigger accountability processes within state institutions.

Finally, the IHCHR operates a national complaints system, as mandated by Law No. 53 of 2008, which allows individuals and civil society organisations to submit complaints regarding human rights violations. The Commission can investigate allegations and refer cases to relevant ministries or the judiciary. In practice, however, IHCHR also lacks enforcement authority and has limited field presence in many post-conflict return areas, which significantly constrains its ability to follow up on complaints or protect complainants. As a result, the complaints system functions largely as a symbolic accountability mechanism rather than as an effective instrument for the protection of human rights after return.

Taken together, these mechanisms demonstrate that Iraq currently possesses tools to monitor return conditions, document violations, and provide humanitarian protection responses, but none of them is capable of ensuring that post-return human rights violations are investigated, remedied, or held accountable. This institutional fragmentation explains why reintegration monitoring and protection assistance, while valuable, remain insufficient substitutes for a dedicated post-return human rights monitoring framework.

Despite the presence of multiple actors and tools, post-return human rights monitoring in Iraq suffers from major structural gaps:

- No unified national post-return human rights monitoring framework exists that systematically follows up on deportees and returnees after arrival (OHCHR, 2021–2024).
- Monitoring focuses on area conditions rather than individual protection outcomes, meaning serious abuses may remain statistically invisible (IOM, 2022–2024).
- Deportees from the EU are not systematically tracked, creating a complete protection blind spot for rejected asylum seekers (ECRE, 2021).
- Limited legal enforcement capacity of the IHCHR prevents accountability for post-return violations (IHCHR).
- Fear of retaliation prevents victims from reporting abuses, particularly in areas controlled by armed groups (NRC, 2022).
- No cross-border monitoring mechanisms exist between the EU and Iraq to follow up on human rights after forced return (EC, 2023).

As a result, current post-return oversight in Iraq remains largely humanitarian and statistical rather than rights-based and accountability-driven, leaving major protection gaps for forced returnees and vulnerable groups. While Iraq is formally bound by extensive international human rights obligations and hosts numerous international monitoring actors, post-return human rights monitoring remains institutionally weak, fragmented, and largely non-enforceable. Existing mechanisms prioritise humanitarian needs and infrastructure recovery, while systematic tracking of violations, legal remedies, and accountability for post-return harm is largely absent, particularly for deportees from Europe.

RECOMMENDATIONS

The absence of systematic post-return human rights monitoring in Iraq represents a critical protection gap for forced and so-called voluntary returnees, particularly those returned from the EU. Legal ambiguities, weak institutions, political sensitivities, and operational constraints currently undermine effective rights-based follow-up after return. At the same time, existing humanitarian monitoring systems, national human rights institutions, and international mandates offer strong institutional entry points for developing a sustainable monitoring framework. If designed with respect for Iraqi sovereignty and grounded in international human rights obligations, post-return HRs monitoring could significantly enhance accountability, early warning, and protection outcomes for all returnees.

Building a post-return human-rights monitoring system in Iraq requires coordinated action by multiple actors. The recommendations below are grouped according to institutional responsibility and reflect the findings of the analysis. To move from principle to practice, the following recommendations are proposed:

1) Recommendations to Iraqi Authorities

- **Iraqi authorities should take the lead in establishing a nationally owned post-return human rights monitoring framework** that links humanitarian data, civil society protection systems, and state-based complaint mechanisms. This includes strengthening the mandate, independence, and field presence of the Iraqi High Commission for Human Rights, ensuring that complaints submitted by returnees are systematically followed up and referred to competent authorities.
- **Greater coordination between Iraqi and KRI institutions is essentia**l to avoid gaps in monitoring and protection, particularly in disputed and post-conflict areas.

2) Recommendations to the EU and its Member States

- **The European Union should ensure that return and reintegration policies do not end at the point of physical return**. EU-funded return and reintegration programmes should include mandatory post-return human rights monitoring components, with clear indicators on protection outcomes, not only service delivery.
- **The EU should strengthen pre-return assessments**, ensure clearer differentiation between voluntary and forced returns, and systematically consult Iraqi-based institutions and service providers before large-scale returns are implemented. Funding conditionality should be linked to demonstrable post-return protection safeguards.

3) Joint Recommendations to the EU and Iraq

- **Both the EU and Iraqi authorities should work towards a continuous monitoring chain that connects pre-return decision-making in Europe with post-return realities in Iraq**. This includes improved information-sharing on returnees, coordinated timelines for reintegration planning, and support for community-based monitoring and confidential reporting channels. Joint engagement with UNAMI/OHCHR and civil society actors would strengthen early warning, reduce protection risks, and enhance accountability across the entire return process. By clarifying responsibilities and strengthening

cooperation, return and reintegration processes can move beyond logistical implementation towards a rights-based approach that upholds dignity, accountability, and sustainable reintegration for returnees in Iraq.

CONCLUDING NOTES

This country analysis examined existing approaches to monitoring return in Iraq, focusing on both reintegration outcomes and the protection of returnees' rights. It assessed the extent to which current mechanisms capture and address the human rights risks faced by returnees, particularly those forcibly returned from the EU, and identified key gaps in post-return monitoring practices. The findings show that Iraq possesses a wide range of humanitarian, reintegration, and protection tools, yet these mechanisms remain institutionally fragmented and structurally disconnected from accountability frameworks. While significant efforts are made to track conditions of return through instruments such as the IOM Displacement Tracking Matrix and Return Index, these systems primarily focus on infrastructure, service availability, and socio-economic stability. They are not mandated to investigate individual violations or to trigger legal or administrative remedies. As a result, many serious post-return human rights risks – including arbitrary detention, security-clearance abuses, discrimination in access to documentation, gender-based violence, and intimidation by armed actors – remain largely invisible in national monitoring statistics.

UNAMI/OHCHR human rights reporting provides authoritative documentation of violations linked to forced return, security screening, and collective punishment. However, these reports seldom lead to concrete follow-up at the national level, reflecting weak enforcement capacity and limited institutional ownership within Iraqi structures. At the same time, NGO-led protection case management systems continue to offer essential micro-level assistance to vulnerable individuals, yet their humanitarian mandate prevents them from converting documented protection incidents into judicial or administrative accountability. The IHCHR, although legally mandated to receive and investigate complaints, lacks both enforcement authority and sufficient field-level access in many return areas, further constraining its effectiveness as a post-return accountability mechanism.

Taken together, these findings demonstrate that post-return monitoring in Iraq currently amounts to monitoring without remedies. Reintegration assistance is treated as a technical or developmental process, while the human rights consequences of return remain politically sensitive, legally ambiguous, and operationally marginal. This gap is particularly evident for deportees from the EU, who often return without reintegration support and are largely excluded from national protection frameworks.

Nevertheless, the research also identifies important opportunities. Iraq already hosts well-established humanitarian monitoring systems that operate nationwide and are accepted by authorities and donors. These platforms offer a pragmatic entry point for introducing a human rights-sensitive monitoring layer that complements existing reintegration tools rather than replacing them. Integrating structured protection-risk indicators into the IOM Return Index, strengthening the investigative mandate and field presence of the IHCHR, and enhancing UNAMI/OHCHR post-return follow-up mechanisms would collectively create a more coherent post-return monitoring architecture. Strengthening post-return human rights accountability in Iraq does not require the creation of an entirely new system. Instead, it requires connecting what already exists – reintegration monitoring, humanitarian protection tools, and human rights institutions – into a coherent framework capable of transforming data into protection and protection into justice.

NIGERIA (ANNEX III)

Ngozi L. Uzomah

KEY CHALLENGES

- **Legal and institutional gaps**: Nigeria lacks a dedicated legal framework and clear institutional mandate for post-return human rights monitoring. Existing migration policies prioritise reintegration assistance, leaving limited mechanisms for tracking rights violations, ensuring accountability, or monitoring long-term protection outcomes.
- **Political sensitivities and limited support for monitoring**: Post-return monitoring may be perceived as external interference, particularly when linked to European Union return policies. Sensitive issues surrounding data-sharing, sovereignty, stigma faced by returnees, and limited political attention to returnees' concerns can further hinder the development of monitoring mechanisms.
- **Operational and coordination constraints**: Limited funding, insufficient technical expertise, weak inter-agency coordination, fragmented institutional responsibilities, and the absence of standardised monitoring tools, data systems, and referral pathways undermine the consistency and effectiveness of monitoring efforts.

KEY OPPORTUNITIES

- **Leveraging existing human rights and accountability frameworks**: Nigeria's commitments under international and regional human rights instruments provide a strong normative basis for post-return monitoring. Existing accountability and complaint mechanisms can support oversight, advocacy, and institutional reforms aimed at strengthening returnee protection.
- **Strengthening migration governance structures**: Establishing a dedicated human rights component within existing migration coordination mechanisms would help embed rights-based oversight into return and reintegration policies more firmly while improving coordination among relevant actors.
- **Building on existing institutional and civil society capacities**: Institutions such as the National Human Rights Commission, the National Commission of Refugees, Migrants and Internally Displaced Persons, and the National Agency for the Prohibition of Trafficking in Persons already possess relevant infrastructure and expertise that could be expanded for monitoring purposes. Civil society organisations and diaspora groups can further strengthen outreach, referrals, accountability, and community-based monitoring.

INTRODUCTION

This analysis presents a critical assessment of the human rights landscape surrounding return migration to Nigeria, with a specific focus on post-return realities and the absence of a systematic monitoring framework. As Nigeria continues to receive increasing numbers of returnees, particularly from the EU, North Africa, and other transit regions, the need for a coordinated, rights-based response has become more pressing than ever. It draws on **12 anonymised FAiR interviews** [*NG_1–NG_12*] with authorities, human-rights actors, EU and international organisations, and CSOs, as well as policy documents and desk research.

Many returnees to Nigeria suffer from depression, anxiety, trauma, and hopelessness as a result of mistreatment abroad. Upon return, they face a complex and interwoven set of post-return human rights risks

and violations that significantly hinder their reintegration and long-term well-being, including for those who suffered serious abuses in North Africa and who are also highly stigmatised when back in Nigeria (Sydney, 2021). These risks can go beyond reintegration challenges ending up highlighting systemic rights deprivations. Social stigma and rejection, particularly for those deported from Europe, often manifest as isolation, shame, and psychological distress, amounting to violations of the rights to dignity and community belonging. Many returnees have no valid documentation, such as National Identification Number (NIN), which restricts their access to essential services, including banking and healthcare, thereby infringing on their social rights. Economic exclusion is another major challenge, with returnees frequently facing unemployment, debt, and limited access to financial support or vocational training, which reflects violations of the right to work and livelihood. Psychosocial trauma is widespread, compounded by cultural taboos around mental health and the absence of tailored support services, leaving returnees without adequate protection of their right to health.

When considering all returns from the EU, both so-called "voluntary" and forced, it is important to note that not all returnees receive assistance, and many face post-return human rights risks and violations that extend beyond reintegration challenges. Accountability for post-return outcomes does not rest solely with Nigeria (or other countries of return). As addressed throughout this report, and in the country-analyses, EU Member States also bear legal and moral responsibilities for the returns they enforce and support, particularly in ensuring that return processes do not expose individuals to foreseeable human rights risks and that appropriate safeguards and monitoring mechanisms are in place. Yet, there is no systematic post-return human rights monitoring framework: no structured collection of information on the fate of returnees, nor mechanisms to redress violations of their rights, despite Nigeria's international obligation under the principle of non-refoulement and EU Member States' obligations under international and regional human rights law. Vulnerable groups, such as women, unaccompanied minors, victims of trafficking, LGBTQIA+ individuals, and persons with disabilities, are disproportionately affected and often fall through the cracks of existing reintegration programs. Nigeria's migration governance framework does not contain a clearly articulated focus on human rights, and despite ratifying several key international human rights instruments, there is no dedicated post-return human rights monitoring system in place. **The broader monitoring framework remains weak, fragmented, and has insufficient accountability mechanisms.** This gap undermines Nigeria's treaty commitments and the EU Member States' accountability, obscures violations, and reduces the effectiveness of reintegration efforts, while highlighting the persistence of divergent conceptions and legal obligations regarding the reception and treatment of returnees between sending and receiving states.

LEGAL AND INSTITUTIONAL FRAMEWORK

Nigeria's legal and institutional framework for return and reintegration, and other aspects of migration governance, is anchored in a series of national policies and strategic documents that articulate the government's commitment to managing migration flows and supporting the reintegration of returnees. Chief among these is the National Migration Policy (NMP) (2015), which was revised in 2025 and is currently undergoing validation and has not yet been formally adopted (NAU, 2025). The 2025 revision reportedly includes an additional three pages contributed by the National Human Rights Commission (NHRC), strengthening the policy's focus on human rights of migrants and providing a broad roadmap for migration governance, including provisions for return and reintegration. Complementing the NMP is the Labour Migration Policy, revised in 2020, which focuses on protecting Nigerian migrant workers and facilitating their reintegration upon return (FMLE, 2020). While these policies signal a progressive intent, their implementation has been uneven and often hampered by limited resources, weak inter-agency coordination, and a lack of robust monitoring mechanisms.

Several key institutions are tasked with operationalising Nigeria's return (migration) and reintegration agenda. The National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) plays a central role in coordinating reintegration efforts. It co-chairs the TWG, which brings together stakeholders from various sectors to align strategies and share best practices. Despite its mandate, NCFRMI faces challenges related to capacity, funding, and jurisdictional overlaps with other agencies.

The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) is another critical actor, particularly in cases involving victims of trafficking. NAPTIP provides legal assistance, psychosocial support, and rehabilitation services to trafficked returnees. Its work is guided by Nigeria's obligations under international anti-trafficking instruments, but its reach remains limited, especially in rural and underserved areas where trafficking survivors often return.

The National Emergency Management Agency (NEMA) supports the reception of returnees, particularly during mass deportations or emergency repatriations and make referral to relevant support services while the Nigeria Immigration Service (NIS) facilitates documentation upon arrival. However, their roles are largely logistical, and they lack a mandate for long-term reintegration or rights-based follow-up.

The Nigerian Human Rights Commission (NHRC) plays a vital role in promoting and protecting human rights in Nigeria, including those of returnees (NHRC, 2024; FGN, 2019). Although not traditionally central to migration governance, the NHRC has statutory authority to investigate human rights violations, recommend remedies, and propose a strategic plan to the public (Nwapi, 2023). Its potential to monitor post-return conditions, document abuses, and advocate for redress makes it a key actor in any future rights-based return monitoring framework. However, the Commission's effectiveness is often constrained by limited resources, political interference, and insufficient integration into migration-specific policy processes. During the recent review process leading to the development of the NMP 2025, the NHRC actively advocated for the inclusion of a human rights thematic area. Despite its efforts, the proposal was not adopted due to a lack of political will and because many officials remain uncomfortable engaging directly with human rights issues. The Commission has since moderated its approach to avoid being perceived as overly assertive or disruptive within the broader stakeholder environment. It is understood that some key institutional actors involved in migration governance have reservations about formally integrating a standalone human rights thematic area into the framework. They argue that human rights considerations traverse across all five existing thematic areas of Nigeria's migration governance architecture, and thus do not require a separate, dedicated (standalone) structure.

Nigeria is a signatory to several international and regional human rights instruments that directly relate to the treatment of returnees. These include the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the African Charter on Human and Peoples' Rights, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, supplementing the United Nations Convention against Transnational Organized Crime. These instruments obligate Nigeria to uphold the rights of all individuals within its jurisdiction, including returnees, and to provide mechanisms for redress in cases of abuse or neglect.

Despite these formal commitments, Nigeria's responsiveness to international human rights bodies remains limited. Periodic reports to treaty-monitoring bodies are often delayed or incomplete, and individual complaint mechanisms, such as those available under the ICCPR or CEDAW, are rarely utilised by Nigerian citizens or civil society (see CEDAW, 2022; ICJ, 2014; UN, 2014). This is because the documents are voluminous, incoherent and unclear. Moreover, decisions and recommendations issued by UN treaty bodies seldom translate into concrete policy changes or legal reforms at the national level due to bureaucracy and neglect of victim perspectives. This disconnect between international obligations and domestic enforcement undermines the credibility of Nigeria's human rights commitments and leaves returnees vulnerable to systemic neglect.

In sum, while Nigeria has established a legal and institutional foundation for migration and reintegration, significant gaps persist in implementation, coordination, and accountability. Strengthening these frameworks, particularly through a rights-based lens, is essential for ensuring that returnees are not only received but also protected, supported, and empowered to rebuild their lives.

PROFILE OF RETURNEES AND POST-RETURN REALITIES IN NIGERIA

Return migration to Nigeria has intensified in recent years, driven by a combination of geopolitical pressures, restrictive migration policies in host countries, and deteriorating conditions in transit hubs such as Libya (Vathi et al., 2023; Alpes & Sylla, 2024). The profile of returnees is diverse, encompassing individuals repatriated from the EU, North African countries, and other transit points along the Central Mediterranean and Atlantic routes

(Uzomah, 2024). While some are deemed to return "voluntarily" through Assisted Voluntary Return (AVR) programs, many are forcibly removed, often after prolonged detention or rejection of their asylum claims. This distinction often shapes their post-return experience as those in AVR schemes may access structured reintegration support, whereas forcibly returned ones frequently face stigma, reduced assistance, or even rights violations. Regardless of the modality, the return process is frequently abrupt, disorienting, and poorly coordinated, leaving returnees with little time to prepare for reintegration.

Moreover, in 2017, Italy returned 246 Nigerian nationals (Bagnoli & Civillini, 2017), while Spain sent back 23, and another 84 were repatriated from countries such as Switzerland, Germany, Iceland, Austria, Belgium, Hungary, Sweden, and Luxembourg (Ayo-Aderele, 2017). Following the introduction of the "voluntary return" initiative, an estimated 8,400 Nigerians were sent back from various European states between 2017 and 2020 (Zandonini, 2020), with additional deportations occurring in subsequent years.

A large part of the fieldwork findings relate to reintegration challenges such as economic hardship: "The people who lent them money are looking for them all over the place" *[NG_1].* A representative from an EU Member State added that Nigerian society is deeply money-focused: "Families expect people to bring money… Nigeria is not a society based on equality… It becomes harder and harder to reintegrate into the economy or to build up a business that works" *[NG_8].* Women returnees face unique and compounded vulnerabilities: "Sometimes they have been raped… so kids are not black and they experience additional stigma. […] It is obvious that the kid was born out of wedlock, and the result is terrible" *[NG_5].* This intersects with limited access to education and childcare, leaving women returnees particularly exposed and unsupported.

Institutional support for returnees is weak: "Government actors do not want to be disturbed. […] Pro bono legal services are still very weak. […] Only some States are equipped to care for the needs of returnees" *[NG_7].* An interviewee from an international organisation added, "There are too many other considerations… people just do not have the luxury of worrying about the human rights of returnees" *[NG_2].* A representative from an EU Member State *[NG_4]* noted that migration is not a political priority in Nigeria, and that returnees are often invisible in public discourse.

Beyond these structural issues, stigma and social exclusion weigh heavily on returnees. Deportation from Europe itself creates stigma, which communities in Nigeria amplify. Stigmatisation is one of the most pervasive human rights violations returnees face. According to an interviewee: "Talking about being returned from Europe is a taboo […]. People will see them as 'stupid' persons, as someone who has gone abroad to waste his/her life. […] Some suffer depression, some commit suicide… The stigma is too much, especially in Southern Nigeria" *[NG_12].* This stigma is not only social but also economic. Without reintegration support, returnees must rely on family, which often leads to humiliation and feelings of shame. Psychological trauma is also pervasive, particularly when returns are misrepresented as voluntary. As a Nigerian authority stressed, "Because such returns are, in truth, not voluntary, many returnees are not ready to inform their families… This is why it is important [to have] pre-departure counselling so that they do not come back completely traumatised before the reintegration process" *[NG_3].* These findings echo broader concerns raised by Human Rights Watch (2025) about the lack of mental health infrastructure and social protection in Nigeria, especially for vulnerable populations. This illustrates that EU responsibilities in return enforcement are not only logistical but also ethical, requiring safeguards to prevent rights violations across both the sending and receiving contexts.

The testimonies of Nigerian stakeholders collected for this analysis point to a disconnect between EU policy commitments and practices on the ground. While the EU emphasises respect for human rights in return procedures, stakeholders described cases in which such processes appeared to lack adequate safeguards, dignity, and due process. Returnees face systemic barriers to documentation, healthcare, and legal aid. They endure stigma, discrimination, and social exclusion. Economic hardship and gender-based vulnerabilities are widespread. Psychological trauma is common, and institutional neglect is pervasive. These outcomes violate the principles of voluntary, safe, and rights-based return. As one of our interviewees rightly put it, "Reintegrating into a social structure […] can also be seen as a fundamental right" *[NG_8].* Until EU return policies are reformed to reflect these realities, they risk perpetuating harm under the guise of humanitarian support.

A notable trend among returnees is the phenomenon of re-emigration to the country they were returned from in the EU or any other country (OECD, 2024; Uzomah, 2025), a cycle in which individuals,

disillusioned by poor reintegration outcomes, attempt to migrate again, often through irregular channels to the EU or otherwise. In some cases, about two-thirds of those who are returned plan to remigrate (Uzomah, 2025). This pattern reflects deep structural failures in Nigeria's reintegration ecosystem, where support is limited, fragmented, and rarely tailored to the specific needs of returnees. One of our respondents *[NG_10]* recounted a conversation with a returnee who was already planning to go to Canada after feeling rejected and unsupported in Nigeria. This cycle of migration and return, without adequate support, perpetuates vulnerability and undermines the EU's stated goals of sustainable reintegration. The decision to re-emigrate is often driven by a sense of hopelessness, unmet expectations, and the absence of viable livelihood opportunities.

Returnees often face a range of interrelated reintegration challenges upon return, which can heighten their exposure to human rights risks and contribute to the emergence or exacerbation of human rights violations:

- *Stigma and Social Rejection*: In many communities, returnees, especially those deported from the EU, are perceived as having failed in their migration journey. This social stigma manifests in subtle and overt forms, including exclusion from community activities, strained family relationships, and public shaming (PICUM, 2020). The psychological toll is significant, with some returnees experiencing depression, anxiety, and in extreme cases, suicidal ideation. Returnees who seek psychosocial support are labelled "mad" as stated by one of our interviewees "Accepting the psychosocial support is also something challenging […] because culturally, in Africa, when you say, oh, you're providing someone with psychosocial support, they [people] think, oh, okay, you're mental [mad], there's something wrong with you" *[NG_1].* The shame associated with deportation often deters individuals from seeking help or participating in reintegration programs. Thus, society is inadvertently complicit in denying the human rights of returnees through such stigmatisation, disdain, and rejection.
- *Documentation Barriers*: A substantial number of returnees arrive without valid identity documents such as National Identification Numbers (NIN), passports, or birth certificates. This lack of documentation severely restricts access to essential services, including banking, mobile phone registration, healthcare, and education. In some cases, returnees are unable to enrol in vocational training programs or apply for government support due to missing paperwork or ineligibility for the official return program, further compounding their vulnerability (Alpes & Majcher, 2020). Addressing these gaps is challenging because Nigeria lacks a unified national identification system. Instead, various government agencies maintain separate, unconnected databases for voter registration, driver's licenses, immigration records, and national identity management, with no interoperability. This fragmentation slows and undermines identity verification, making the (re-)issuance of documents such as the NIN a significant bureaucratic obstacle. Cultural attitudes add further difficulty. Some communities distrust government institutions and are reluctant to provide biometric data, while others see little value in obtaining formal identification. For returnees already facing trauma, financial strain, and reintegration pressures, navigating this disjointed system becomes yet another barrier to rebuilding their lives.
- *Economic Hardship*: The economic landscape for returnees is bleak. Many return to communities with high unemployment, limited infrastructure, and few income-generating opportunities. Some face pressure to repay debts incurred during their migration journey, while others struggle to support dependents with no financial safety net. Although reintegration programs offer small grants or training, these are often insufficient, poorly targeted, as many live far away from the support programs, or inaccessible due to bureaucratic hurdles for those who were forcibly returned.
- *Psychosocial Struggles*: Mental health remains a deeply stigmatised issue in Nigeria, and returnees rarely receive adequate psychosocial support. Cultural taboos around mental illness discourage individuals from seeking help, and mental health services are scarce, especially outside urban centres. Women who return with children born abroad, particularly those of mixed ethnicity, face additional layers of stigma, including accusations of immorality or betrayal of cultural norms. They become the centre of gossip and manifest as labelling and disdain.
- *Legal and Property Issues*: During their time abroad, many migrants entrust property, savings, or business ventures to relatives or intermediaries. Upon return, they often discover that these assets have been

mismanaged, lost, or appropriated. Legal recourse is limited, and access to justice is hindered by costs, complexity, and limited awareness. Few returnees have the means to pursue legal action, and there is no dedicated mechanism to resolve such disputes.

Overall, socio-economic insecurity can heighten vulnerability and undermine the effective enjoyment of fundamental rights.

Certain groups of returnees face heightened vulnerabilities due to intersecting forms of discrimination and marginalisation. These include:

a. *Women and Single Mothers* are often stigmatised and economically disadvantaged; they face barriers to employment, childcare, and community acceptance.
b. *Victims of Trafficking (TIP)* require specialised support, including trauma counselling, legal protection, and safe housing. There are a few legal aid hubs for victims of trafficking that provide accessible, specialised legal support in the country, but they are limited to a few locations, such as Edo, Delta, and Lagos. In November 2025, one was established in Enugu (Aja, 2025).
c. *Unaccompanied Minors* face risks of exploitation, neglect, and lack of guardianship *[NG_1, NG_3 and NG_5].*
d. *LGBTQ+ Individuals* are particularly vulnerable *[NG_10]*. They often return to hostile environments where their identities are criminalised or socially condemned. Criminalisation of same-sex relationships in Nigeria fuels widespread informal targeting, with police often extorting LGBTQIA+ returnees under indecent behaviour or dressing. Social hostility can be even harsher, as some returnees have been attacked by mobs, while many face routine verbal abuse, threats, or public humiliation simply for being perceived as LGBTQIA+. These conditions heighten their vulnerability, limit their freedom of movement, and make safe reintegration extremely difficult. They must hide their queer behaviour for safety.
e. *Persons with health conditions or impairments* encounter physical, social, and institutional barriers to reintegration.
f. *Returnees from Southern Nigeria (especially Southeast)* may face stigma, regional disparities in access to reintegration services, compounded by ethnic or political tensions.
g. *Returnees to Northern Nigeria* continue to face significant security risks due to ongoing insurgency, banditry, and communal violence. Post-return human rights concerns include exposure to armed attacks, forced displacement, and abuses committed by both insurgent groups and, at times, security forces during counter-terrorism operations (Uzomah & Abdullahi, 2023). Returnees may also encounter movement restrictions, curfews, and limited access to humanitarian assistance, all of which undermine their safety and reintegration prospects.
h. *Returnees from Libya?*

Generally, post-return realities in Nigeria are shaped by a complex interplay of social, economic, legal, and psychological factors. Without a coordinated, rights-based approach to reintegration, returnees remain trapped in cycles of exclusion and vulnerability and are exposed to persistent human rights risks, including discrimination, insecurity, and limited access to essential services, and abuses by state or non-state actors.

PERCEPTION OF HUMAN RIGHTS VIOLATIONS AND EXTERNAL INFLUENCE IN EU RETURN PROCESSES

The EU's responsibilities in return enforcement are framed around organising and financing returns, providing reintegration packages, ensuring documentation and legality, and setting conditionalities tied to migration diplomacy. EU agencies and member states coordinate AVRR and deportations, often through IOM or bilateral agreements. As one international organisation noted, "There should be noted a difference between returnees from the EU and Libya. […] EU returnees might have stayed abroad much longer, and they might experience a cultural shock when coming back" *[NG_5].* EU returnees typically receive larger reintegration packages compared to those returned from transit countries, but these supports are often insufficient in the Nigerian context.

Documentation is another critical responsibility, yet EU-led returns frequently involve emergency travel documents or laissez-passer that are not recognised in Nigeria. This leaves returnees unable to access basic

services. The lack of valid identification upon return is a major barrier: "Without your NIN, your National Identity Card, you cannot access basically anything. You can't even open a bank account" *[NG_1].* This was echoed by an international organisation representative, who noted, "Returnees do not have a phone number, they sometimes do not have identity proof […]. Laissez-passer cannot be used in Nigeria. […] These are barriers that limit their access to basic rights." *[NG_5].* These systemic barriers violate the right to legal identity and access to services, a cornerstone of reintegration. While programs like the EU-IOM Joint Initiative have supported over 14,000 returns to Nigeria, including reintegration assistance, gaps remain in documentation and service delivery (IOM, 2025). Conditionalities attached to EU return frameworks are also perceived as infringing on sovereignty. Nigerian stakeholders emphasised that these frameworks are donor-driven, with one civil society organisation stressing that "A lot of migrants regret coming back. A lot said they would have preferred dying there [in the host country] than to come back to this undignified situation. Particularly for forced return, they are returned in situations that violate their human rights, in situations that expose them to much danger and dehumanise them" *[NG_7].*

Under international human rights law, the EU is obligated to ensure that all return procedures are safe, dignified, and grounded in the protection of fundamental rights. These obligations include securing informed consent (for "voluntary" returns), preventing exposure to harm, ensuring access to healthcare, legal aid, housing, and proper documentation, and providing reintegration support that respects social and cultural contexts. However, testimonies from Nigerian stakeholders indicate a persistent gap between these legal frameworks and the lived realities of returnees.

The interviews highlight widespread concern over the treatment of Nigerians within EU-led return processes. The concerns voiced are not isolated incidents but reflect systemic shortcomings that undermine the dignity, rights, and reintegration prospects of returnees. One major concern relates to the nature and timing of forced returns. Many returnees are repatriated suddenly, without adequate preparation, counselling, or reintegration planning (Cassarino, 2014). Some are removed directly from detention centres with minimal notice and without clarity about their destination.

Forced returns often violate the very principles the EU claims to uphold. These abrupt removals cause trauma and mental health disorders, yet the Nigerian system offers little psychological support. Stakeholders noted that meaningful reintegration must begin before departure; yet pre-return preparation is largely absent, and return is rarely voluntary. As a civil society organisation explained: "Returning is not the goal of the returnee, it is just a consequence of what they could not handle. […] Those who return through AVR have better opportunities also to receive psychological support for returnees to accept their reality. Many who return consider themselves as a failure: 'there is resentment'" *[NG_11].*

In addition, many returnees face violations of family and economic rights during the removal process. Accounts describe people being separated from spouses or children, losing access to personal property or bank accounts, or being denied legal assistance: "Some of them are separated from their families and forced to return. […] Some have businesses over there […] they are not given the opportunity to return with this" *[NG_7].* Furthermore, reports of coercive practices, including intimidation, misleading information, and humiliating treatment during deportation, raise serious ethical concerns.

These findings echo broader critiques documented by the Council of Europe (2025), which highlight failures to implement court judgments on migrant rights, including violations of dignity and due process. The document also highlights that vulnerable groups such as children, people with serious illnesses, victims of torture or trafficking, face heightened risks during return procedures. Their detention for removal purposes is often unlawful, and removal may expose them to harm or inadequate medical care. Return detention itself frequently violates human rights due to poor conditions, lack of healthcare and the routine use of prisons for immigration purposes. States also fail to postpone removal when health or other circumstances require it, and individuals are sometimes removed without effective access to remedies or legal assistance. Overall, the document shows that return procedures remain a major source of violations, especially when vulnerability is not identified, and individual circumstances are ignored

The emotional burden of return is immense. An EU development agency representative *[NG_1]* explained that returnees face a heavy social burden of expectations from relatives, family members, and friends,

which becomes a major challenge, especially for those who were unsuccessful in their migration journey. This sense of failure is compounded by societal rejection. An interviewee from an independent human rights institution reflected more in depth on returnees' conditions, highlighting the ways in which they are "othered": "People say, 'look at you, you spent all your money, and you came back with nothing'. And he hears that all the time, even from his mother. […] If you are not accepted by society, you look for another way to go*" [NG_10].*

These abrupt removals often aggravate psychological distress, particularly among individuals who have already endured trauma in transit or detention in the EU. Despite these vulnerabilities, Nigeria's support systems remain limited, especially in mental health care. This erodes trust and contributes to a widespread perception that the Nigerian system cannot guarantee safety or protection upon return. As a representative of civil society observed: "When they come back home, they see the system as a failed system. They do not see it as a system that can provide protection" *[NG_7].*

Moreover, efforts by the EU and other external actors to introduce post-return human rights monitoring frameworks in third countries, including Nigeria, are frequently met with scepticism as Eurocentric (Triandafyllidou & Ricard-Guay, 2019). While these initiatives often aim to enhance transparency, accountability, and protection for returnees, they can be perceived as extensions of donor influence or mechanisms for external control. In Nigeria, such perceptions are shaped by historical experiences with conditional aid, migration diplomacy, and externally driven programs that have not always aligned with domestic priorities (Lambert, 2020).

Geopolitics and concerns about sovereignty are particularly pronounced when monitoring frameworks are designed or led by foreign institutions, even when implemented in partnership with national agencies (Fakhoury & Sahin-Mencutek, 2023; Sokefeld, 2019). Policymakers and stakeholders may view these efforts as infringing on Nigeria's autonomy in managing its migration governance, especially when they are tied to return agreements or funding conditionalities (Uzomah et al., 2025). This tension is further compounded by the asymmetrical nature of Nigeria's migration partnerships with Northern countries, in which donor agendas often dominate the terms of engagement, neglecting pre-departure counselling and posing risks to the rights of returnees. This is more so when the returns are claimed to be "voluntary", whereas they are coerced: "All the voluntary returns we discovered are not voluntary. Because such returns are, in truth, not voluntary, many returnees are not ready to inform their families […]. This is why it is important [for a] pre-departure counselling so that they do not come back completely traumatised before the reintegration process" *[NG_3].*

Furthermore, the political sensitivity surrounding migration, especially forced return and readmission, particularly in migration-return receiving states like Edo, Delta, Lagos, and maybe Kano, makes governments cautious about adopting monitoring systems that could expose rights violations or policy failures. There is a risk that such frameworks may be seen not as tools for improvement, but as instruments of external scrutiny or reputational risk. This can lead to resistance, limited cooperation, or superficial compliance. This is the case with other subnational governments, which do not show interest, "besides the States of Lagos and Edo, where governments are listening to migrants, and there is a migration political agenda. Other states do not take it seriously. Ashamed to admit that there are irregular migrants – young men – from Nigeria abroad or that there are prostitutes" *[NG_12].* As a result, the human rights of returnees in these states are consistently neglected because subnational governments closer to them and their communities show no interest in their affairs.

The above is further corroborated in an interview, arguing that "Nigeria operates in federal units. Most of the time, once they are returned and received at the federal level and […] go back to the states, they are left to their fate. […] Monitoring of their progress as it relates to human rights [in their communities] is very poor" *[NG_7].* The importance of community and grassroots is further echoed by the fact that "The person who migrates, especially illegally to the EU, usually cuts ties with their families, sells their properties and […] when […] caught and sent back, this is a huge loss for the family and the community" *[NG_4].* Thus, the rights violations do not come only from the State but also from the community, which stigmatises and isolates the returnee as a failure.

To overcome these challenges, it is essential to promote a locally led, rights-based approach to post-return monitoring. Such an approach should be grounded in Nigeria's legal frameworks, institutional capacities, community context, and development goals. It must involve national human rights institutions, civil society organisations, and local governance structures in the design and implementation of monitoring mechanisms. At

this juncture, the involvement of NHRC is sacrosanct. It is an extra-judicial mechanism for handling human rights violations. By embedding monitoring within existing reintegration programs and making human rights a thematic focus within Nigeria's broader migration governance framework, local and national stakeholders can enhance the legitimacy, ownership, and sustainability.

Ultimately, reframing post-return monitoring as a collaborative, capacity-building effort, rather than a donor-imposed obligation, can help bridge the trust gap and foster meaningful accountability. This requires transparent dialogue between Nigerian institutions and international partners, mutual respect for national sovereignty, and a shared commitment to protecting the rights and dignity of returnees.

EXISTING POST-RETURN HUMAN RIGHTS MONITORING PRACTICES IN NIGERIA

Despite Nigeria's growing role as a country of return for migrants repatriated from the EU and other regions, the country lacks a dedicated post-return human rights monitoring framework. Existing mechanisms are fragmented, ad hoc, and primarily oriented toward logistical aspects of reintegration, such as reception, documentation, and short-term support, rather than the systematic protection and promotion of returnees' rights. This gap leaves critical dimensions of the return experience unexamined, including violations that may occur during deportation, challenges in accessing justice, and long-term reintegration outcomes. Several actors are involved in post-return programming, each contributing to different aspects of the reintegration landscape.

IOM in Nigeria plays a central role in implementing AVR programs and providing reintegration support. These include vocational training, psychosocial counselling, and small business grants. However, IOM's monitoring tools are largely programmatic, focused on evaluation of reintegration programmes, and do not systematically assess human rights outcomes or violations. GIZ, through its Nigerian-German Centres for Migration and Development, offers advisory services, job placement support, and reintegration assistance. While these centres provide valuable services, their focus remains economic and developmental, with limited integration of rights-based monitoring indicators.

Civil Society Organisations (CSOs) fill critical gaps by offering legal aid, psychosocial support, and shelter services, particularly for vulnerable groups such as trafficking survivors, single mothers, and LGBTQIA+ returnees. However, CSOs often operate with limited funding, fragmented mandates, and without access to national-level data or coordination platforms. The TWG includes the NHRC in its Working Group on Human Rights and Migration. However, the NMP 2015 did not include adequate and specific provisions addressing the human rights of migrants, including returnees, but the Revised NMP 2025 features a three-page contribution from the NHRC focused on migrant human rights and provides space within the policy implementation document for actionable steps that the NHRC will undertake to support the policy's execution. However, the absence of a dedicated thematic area on human rights within Nigeria's migration governance framework remains a concern.

At the subnational level, the Edo State Task Force Against Human Trafficking represents a promising localised initiative that combines law enforcement, victim support, and reintegration programming. The model has been praised for its multi-sectoral approach, but it remains geographically limited, as it operates only within Edo state, and also lacks a formal mechanism for rights-based monitoring beyond trafficking cases. In practice, the human rights of returnees are not prioritised unless they are identified as victims of trafficking. Much of the existing monitoring focuses on reintegration outcomes rather than on broader human rights considerations. Although the reintegration program itself does not directly centre human rights, its centralisation inadvertently limits or negates the human rights protections it might otherwise support. As noted by *NG_9*, "When it comes to the issue of reintegration, there are different committees available in Nigeria [in particular, the CMET – Committee for Monitoring and Evaluation Team – in a Reintegration Committee at the subnational level]. All of them are under the Coordinating Agency, the NCFRMI." This centralisation reinforces a top-down structure that leaves little room for rights-based oversight. In addition, our respondents highlight that other bodies, including the International Federation of Women Lawyers, CARITAS, and the Justice and Peace Commission, address human rights issues *[NG_7].* However, their efforts remain largely parallel rather than integrated into a coordinated, rights-based return and reintegration monitoring framework.

Several systemic limitations persist. Monitoring tools are inconsistent across agencies and lack standardised indicators for assessing human rights outcomes. There is no unified framework for tracking violations, measuring reintegration success, or evaluating the treatment of returnees across regions and demographic groups. Data collection is sporadic, often driven by donor requirements rather than national policy priorities. The issue of data is reiterated here, "but of course we want to see or have information on the long-term impact of our support, but then at the moment I have to admit that there is a lack of data or results" *[NG_8].* The researcher's reflection from the fieldwork also corroborated that "there is a lack of monitoring data post-return and systematic assessments of the human rights of returnees".

Moreover, data is rarely disaggregated by vulnerability, such as gender, age, disability, or migration history, making it difficult to identify and address the specific needs of high-risk groups. Reporting mechanisms are weak, with limited follow-up on reintegration outcomes (considered to be a complementary tool to the dedicated establishment of human rights monitoring). Most programs conclude once initial support is delivered, leaving returnees without long-term monitoring or recourse in cases of abuse, neglect, or systemic exclusion. Human rights violations are rarely documented or addressed systematically. There is no national registry of complaints, no independent oversight body for return processes, and no formal channel for returnees to report mistreatment or seek redress. There is also no human rights monitoring mechanism at the point of arrival "for those returning via land borders, the Commission is trying to have leaflets. We're also thinking that migrants coming to Nigeria should also be able to make complaints. But I'm thinking you're making complaints to whom? To the border officials? How feasible is this?" *[NG_10].*

This absence of accountability perpetuates impunity and undermines trust in reintegration programs. Nigeria's international obligations under instruments such as the ICCPR, CEDAW, and the African Charter on Human and Peoples' Rights provide a strong normative basis for establishing a comprehensive monitoring framework. These treaties require state parties to uphold the rights of all individuals within their jurisdiction, including migrants and returnees, and to provide mechanisms for redress in cases of violation.

However, domestic implementation remains a challenge. Treaty obligations are not consistently translated into national law or policy, and institutional capacity for rights-based monitoring is limited. There is an urgent need for Nigeria to develop a national post-return human rights monitoring system, one that is inclusive, transparent, and grounded in international standards. Such a system should integrate civil society expertise, ensure disaggregation of data, and establish clear pathways for complaint resolution and policy feedback. Without these reforms, returnees will continue to navigate their return in a landscape that prioritises logistics over dignity and assistance over accountability.

RECOMMENDATIONS

This analysis has illuminated the pressing need for Nigeria to establish a systematic, rights-based post-return human rights monitoring framework. As the country continues to receive returnees from the European Union, North Africa, and other transit regions, the absence of a structured mechanism to track and safeguard their rights has become increasingly untenable. Returnees face a constellation of challenges, ranging from social stigma and economic exclusion to legal uncertainty and psychosocial trauma, that collectively undermine their dignity, safety, and prospects for sustainable reintegration.

While Nigeria has made commendable efforts to coordinate reintegration through institutions such as the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) and the NAPTIP, these efforts remain fragmented, underfunded, and insufficiently grounded in human rights principles. Moreover, the NHRC, an independent public body established by the Nigerian government to promote, protect, and enforce human rights, is not adequately integrated into migration governance, particularly with respect to the lived experiences of returnees. Reintegration programs often prioritise logistics over rights, and vulnerable groups such as women, minors, trafficking survivors, and LGBTQ+ individuals frequently fall outside the scope of targeted support.

Establishing a dedicated monitoring mechanism would mark a transformative shift in Nigeria's migration governance. It would:

- Improve accountability, ensuring that all actors, domestic and international, are held to consistent standards of conduct.
- Enhance service delivery by generating reliable data on returnee needs, vulnerabilities, and outcomes.
- Affirm Nigeria's commitment to human dignity, aligning domestic practices with international obligations under treaties such as the ICCPR, CEDAW, and the African Charter.
- Foster trust and cooperation between sending and receiving countries, particularly in the context of EU–Nigeria migration partnerships.

Building a post-return human rights monitoring system in Nigeria requires coordinated action among multiple actors. The recommendations below are grouped according to institutional responsibility and reflect the findings of the analysis. To move from principle to practice, the following recommendations are proposed:

1) Recommendations to Nigerian Authorities

- **Nigeria should develop a national post-return human rights monitoring framework**, led by NHRC (and co-led by NCFRMI and NAPTIP) in collaboration with CSOs, local chiefs, and international partners. This framework should include standardised indicators, complaint mechanisms, and periodic reporting protocols.
- **Create a multi-stakeholder National Monitoring Committee** under the leadership of the National Human Rights Commission (NHRC), in collaboration with the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI). The committee should coordinate monitoring efforts, develop standards and indicators, and oversee implementation, with representation from government agencies, civil society organisations, academia, and international partners.
- **Migration stakeholders, and especially Nigeria's TWG, should establish a Human Rights standalone thematic area within the migration governance structure**. This would institutionalise rights-based oversight, coordinate monitoring efforts, and ensure that human rights, like the five existing thematic areas, are mainstreamed across all migration-related policies and programs.
- **The NCFRMI should strengthen coordination** among government agencies, CSOs, traditional leaders, town union presidents and international actors, ensuring that reintegration efforts are harmonised, inclusive, and responsive to local contexts.

2) Recommendations to Human Rights Bodies in Nigeria and Researchers

- **Human rights bodies and researchers should improve data collection and reporting on returnee experiences**, including disaggregated data by gender, age, region, and vulnerability status. This will enable evidence-based policymaking and targeted interventions to align return processes with international human rights standards.
- **Researchers and human rights bodies should develop rights-based indicators and reporting tools, which should be institutionalised** to track reintegration outcomes and document violations, ensuring return processes are measured not only by economic sustainability but also by accountability and protection of returnees' dignity.

3) Recommendations to Reintegration Entities operating in Nigeria:

- Embed human rights–focused modules into existing reintegration initiatives, including assessments of access to justice, non-discrimination, dignity, and psychosocial well-being. These modules should be incorporated into training curricula, service delivery mechanisms, and post-return follow-up and referral protocols.

4) Recommendations to the EU and its Member States towards returnees and cooperation with the Nigerian Government:

- **The EU should ensure that return and reintegration programs are inclusive, trauma-informed, and rights-based**, with tailored support for vulnerable groups and long-term follow-up mechanisms. In

addition, there should be trust between the EU and independent bodies and CSOs in the EU in the monitoring of human rights, to instil transparency and help both sides in return operations avoid ambiguity.

- **The EU and the Nigerian government should foster collaboration on monitoring and accountability** through joint oversight mechanisms, bilateral agreements, and shared funding platforms like a working group. This partnership should prioritise transparency, mutual respect, and the protection of fundamental rights. Equally, data collection and feedback loops between EU institutions and Nigerian agencies must be strengthened to ensure transparency, responsiveness, and compliance with international human rights standards.
- **Set up a dedicated EU–Nigeria Working Group to monitor the human rights of migrants throughout the return cycle**, from pre-departure to reintegration. The working group should include EU-based human rights organisations (including members of the European Reintegration Support Organisation (ERSO) network), as well as Nigerian civil society and faith-based organisations.

CONCLUDING NOTES

Overall, EU-led frameworks in Nigeria are often viewed with scepticism, perceived as Eurocentric and extensions of donor influence rather than genuine support. Historical experiences with conditional aid and migration diplomacy have reinforced concerns that such initiatives undermine Nigeria's sovereignty, especially when tied to return agreements or funding conditionalities. This tension is compounded by asymmetrical migration partnerships with Northern countries, where donor agendas dominate, and returns claimed as "voluntary" are often coerced, leaving returnees traumatised without adequate pre-departure counselling. Political sensitivities in migration-prone states (sub-nationals) further fuel resistance, as monitoring systems risk exposing rights violations or reputational failures, leading to neglect at both subnational and community levels. Addressing these challenges requires a locally led, rights-based approach grounded in Nigeria's legal frameworks and supported by institutions such as the NHRC, to ensure legitimacy, ownership, and the sustainable protection of returnees' rights.

In conclusion, Nigeria stands at a pivotal juncture in its migration governance journey. By embracing a rights-based approach to return and reintegration, and institutionalising it through mechanisms such as a Human Rights thematic area, the country can not only fulfil its international commitments but also build a more just, inclusive, and resilient society, one where returnees are not merely received, but truly welcomed home and empowered to rebuild their lives with dignity. By implementing these recommendations, Nigeria can move toward a more just and effective migration governance model, leveraging the data and insights generated through such mechanisms as part of its negotiation strategy in diplomatic discussions with the EU and other partners on migration and related bilateral issues. This will enhance respect for the dignity of returnees and fulfil its international obligations.

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FIELDWORK MAPPING

GEORGIA – 10 Interviews in total		
Number of interviews	**Interviewees' affiliation**	**Anonymised codes**
1	EU representation in Georgia	GE_2
2	Civil Society Organisation	GE_3
3	International Organisation	GE_4
4	Independent human rights institution	GE_5
5	Civil Society Organisation	GE_6
6	Civil Society Organisation	GE_7
7	Georgian Authorities	GE_8
8	Civil Society Organisation	GE_10
9	EU Member State Diplomatic Representation in Georgia	GE_11
10	Civil Society Organisation	GE_12
IRAQ – 11 Interviews in total		
Number of interviews	**Interviewees' affiliation**	**Anonymised codes**
1	Civil Society Organisation	IQ_1
2	Non-Governmental Organisation	IQ_2
3	Iraqi Authorities	IQ_3
4	Civil Society Organisation	IQ_4
5	Iraqi Authorities	IQ_5
6	EU Member State diplomatic representation in Iraq	IQ_6
7	EU Member State diplomatic representation in Iraq	IQ_7
8	Non-Governmental Organisation focusing on human rights	IQ_8
9	EU Member State development agency in Iraq	IQ_10
10	EU Representation in Iraq	IQ_11
11	EU Member State Development Agency in Iraq	IQ_12
NIGERIA – 12 Interviews in total		
Number of interviews	**Interviewees' affiliation**	**Anonymised codes**
1	EU Member State Development Agency in Nigeria	NG_1
2	International Organisation	NG_2
3	Nigerian Federal Governmental Agency	NG_3
4	EU Member State Diplomatic Representation in Nigeria	NG_4
5	International Organisation	NG_5
6	Nigerian Authorities	NG_6
7	Civil Society Organisation	NG_7
8	EU Member State representation in Nigeria	NG_8
9	Nigerian Authorities	NG_9
10	Independent Human Rights Institution	NG_10
11	Civil Society Organisation	NG_11
12	Nigerian academic	NG_12
Experts EU Level – 2 Interviews in total		
Number of interviews	**Interviewees' affiliation**	**Anonymised codes**
1	Frontex and the Fundamental Rights Office	FX_FRO_1
2	European Ombudsman	EO_1